

C A M P A I G N F O R

ACCOUNTABILITY

February 21, 2025

VIA EMAIL

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Hon. Laura Taylor Swain
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c/o Julie Allsman, Counsel to the Committee on Grievances
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Re: Complaint Against Emil Joseph Bove III, New York Atty. Regis. No. 4700696

Dear Mr. Dopico and Judge Swain:

Campaign for Accountability, a 501(c)(3) nonpartisan, nonprofit watchdog organization, requests that the Attorney Grievance Committee of the First Judicial Department of New York and the Committee on Grievances of the U.S. District Court for the Southern District of New York¹ (together, the “Committees”) investigate Emil Joseph Bove III, a New York-licensed attorney and Acting Deputy Attorney General of the United States of America, for potential violations of the New York Rules of Professional Conduct (“Rules”) related to his directive to the U.S. Attorney’s Office for the Southern District of New York to request dismissal of the federal indictment against New York City Mayor Eric Adams in *United States v. Adams*, No. 24 Cr. 556 (DEH) (S.D.N.Y.), and his ongoing efforts to obtain such dismissal, for political reasons.

As set forth in his February 10, 2025 Memorandum to the Acting United States Attorney for the Southern District of New York (“Bove Memo”), Mr. Bove directed prosecutors to seek dismissal of the indictment as part of what appears to be a corrupt quid pro quo deal with Mayor Adams while admitting that the decision was unrelated to the merits of the case. *See* Exhibit A (Bove Memo). Through his directive and subsequent efforts to enforce that directive, Mr. Bove

¹ Pursuant to Local Civil Rule 1.5 and the Court’s inherent authority.

demanded that federal prosecutors ignore their oaths and ethical concerns in favor of filing the dismissal motion, directly resulting in the resignation of at least eight prosecutors thus far, before finally succeeding in getting the motion filed on February 14, 2025, and appearing personally on behalf of the government at a hearing on that motion before the Court on February 19, 2025. At the time of this submission, the motion remains under advisement with the Court, which has ordered briefing by an *amicus curiae*, as discussed below.

Through these actions, and as set forth in further detail below, Mr. Bove may have violated, among others, Rules 8.4(c) (prohibiting “conduct involving dishonesty, fraud, deceit or misrepresentation”); 8.4 (d) (prohibiting conduct “prejudicial to the administration of justice”), 8.4(h) (prohibiting conduct “that adversely reflects on the lawyer’s fitness as a lawyer”), and 3.4(e) (prohibiting threats of criminal prosecution to gain advantage in a civil matter). Mr. Bove’s actions also may have violated Rules 8.4(a) (prohibiting inducing other lawyers to violate the Rules) and/or 5.1(d)(1) (directing others to violate the Rules) by causing others to violate Rules 1.7(a)(2) (prohibiting personal conflicts of interest), and 3.3(a)(1) (requiring candor to the Court)).²

In addition to violating his obligations under the Rules, Mr. Bove swore when he became a New York Bar member to “support the Constitution of the United States” and to “faithfully discharge the duties of the office of attorney and counselor at law.” Mr. Bove has violated that oath. More generally, Mr. Bove’s actions appear to constitute an abuse of power and serve to undermine the integrity of the Department of Justice (DOJ) and erode public confidence in the legal profession and the fair administration of justice.

I. Background

A. Investigation and Indictment of New York Mayor Eric Adams

As early as 2021, the U.S. Attorney’s Office for the Southern District of New York was investigating Mayor Adams for corruption, focusing on whether Mr. Adams and his campaign had conspired with Turkish officials to receive illegal campaign donations from a foreign government.³ The investigation lasted approximately three years. On September 25, 2024, a federal grand jury indicted Mr. Adams in a five-count indictment charging him with:

- One count of conspiracy to commit wire fraud, federal program bribery, and to receive contributions by foreign nationals (18 U.S.C. § 371);
- One count of wire fraud (18 U.S.C. §§ 1343 and 2);

² Mr. Bove himself also may have violated Rule 3.3(a)(1), depending on his statements to the Court at the February 19, 2025 hearing, a transcript of which is not currently available.

³ Exhibit B (Feb. 12, 2025 Letter from Acting U.S. Attorney Danielle Sassoon to Attorney General Pam Bondi) (“Sassoon Letter”) (“The investigation began before [Former U.S. Attorney for the Southern District of New York, Damian Williams] took office[.]”) (Mr. Williams took office in 2021 (see <https://www.washingtonpost.com/national-security/2024/04/09/new-york-prosecutor-damian-williams/>)).

- Two counts of solicitation of a contribution by a foreign national (52 U.S.C. §§ 30121, 30109(d)(1)(A), and 18 U.S.C. § 2); and
- One count of bribery (18 U.S.C. § 666(a)(1)(B)).

See Exhibit C (Adams Indictment).

The indictment alleges that Mr. Adams received campaign contributions and personal benefits from members of the Turkish community, including Turkish government officials, in exchange for exercising his powers as mayor for the benefit of Turkey. *Id.* at ¶¶ 1-6. The indictment further alleges Mr. Adams defrauded New York City’s candidate matching funds program by certifying that campaign donations from foreign nationals using straw donors were legitimate when he knew they were not. *Id.* at ¶ 3. According to the indictment, Mr. Adams’s campaign fraudulently received in excess of \$10 million from foreign nationals and the matching funds program, as well as over \$120,000 worth of personal benefits. *Id.* at ¶¶ 3, 41. In sum, the indictment details numerous examples of Mr. Adams’s alleged corrupt behavior over the course of nearly a decade. See generally *id.*

B. Mayor Adams’s Relationship with Donald Trump

Shortly after his indictment, Mr. Adams claimed he had been targeted as retribution for speaking out against President Biden’s border policies while mayor, even though the investigation began before Mr. Adams became mayor.⁴ Without evidence, then-presidential candidate Donald Trump quickly endorsed Mr. Adams’s conspiracy theory, claiming he and Mr. Adams were both unfairly targeted.⁵ On October 17, 2024, Mr. Trump said at the Alfred E. Smith dinner, “I know what it’s like to be persecuted by the DOJ for speaking out against open borders. We were persecuted, Eric. I was persecuted, and so are you, Eric.”⁶ Mr. Adams has since largely refrained from criticizing Mr. Trump, both before and after the November 2024 election, and has made multiple overtures to Mr. Trump.

On November 16, 2024, less than two weeks after the election, Mr. Adams and newly re-elected President Trump spoke at an Ultimate Fighting Championship event at Madison Square Garden.⁷ On December 12, 2024, Mr. Adams met with Mr. Trump’s “Border Czar,” Tom Homan, and declared after the meeting that he and Mr. Homan had “the same desire” to go after undocumented immigrants.⁸ For his part, Mr. Homan expressed his gratitude that “the biggest

⁴ Exhibit B (Sassoon Letter) (“The investigation began before [Former U.S. Attorney for the Southern District of New York, Damian Williams] took office[.]”) (Mr. Williams took office in 2021 (see <https://www.washingtonpost.com/national-security/2024/04/09/new-york-prosecutor-damian-williams>) (Mr. Adams became mayor of New York on January 1, 2022 (see <https://www.nytimes.com/2022/01/01/nyregion/eric-adams-inaguration-nyc-mayor.html>)).

⁵ See <https://www.washingtonpost.com/politics/2024/09/26/eric-adams-indictment-doj-conspiracy-theories-targeting>.

⁶ See <https://rollcall.com/factbase/trump/transcript/donald-trump-remarks-al-smith-dinner-new-york-october-17-2024>.

⁷ See <https://www.politico.com/news/2024/11/19/eric-adams-donald-trump-discussion-00190516>.

⁸ See <https://www.nytimes.com/2024/12/12/nyregion/adams-homan-meeting-migrants.html>.

sanctuary city in the country is willing to come to the table and help me[.]”⁹ Four days later, on December 16, 2024, Mr. Trump said at a news conference that he would consider pardoning Mr. Adams.¹⁰ A month later, on January 17, 2025, Mr. Adams visited Mr. Trump at Mar-a-Lago in Florida.¹¹ Three days later, Mr. Adams skipped scheduled events commemorating Martin Luther King Jr. Day in New York to attend Mr. Trump’s inauguration on January 20, 2025.¹² On February 6, 2025, Mr. Adams traveled to Washington to join Mr. Trump at the National Prayer Breakfast.¹³

C. Mr. Bove Orders Prosecutors to Drop Charges Against Mayor Adams

While Mr. Adams ingratiated himself with Mr. Trump, his lawyers were working in the background with Mr. Trump’s political appointees at DOJ to get his case dismissed. On January 31, 2025, Mr. Adams’s attorneys met with DOJ leadership, including Mr. Bove in his capacity as Acting Deputy Attorney General, and federal prosecutors from the Southern District of New York, including Acting U.S. Attorney Danielle Sassoon. *See* Exhibit B (Sassoon Letter) at 3, fn 1. At this meeting, according to Ms. Sassoon, Mr. Adams’s attorneys “repeatedly urged what amounted to a quid pro quo, indicating that Adams would be in a position to assist with the Department’s enforcement priorities only if the indictment were dismissed.” *Id.* In a sign that he recognized the inappropriateness of such overtures, Mr. Bove reportedly admonished a member of Ms. Sassoon’s team for taking notes and directed the collection of those notes at the end of the meeting. *Id.*

On February 5, 2025, Pam Bondi, Mr. Trump’s nominee for Attorney General, was sworn in to office and took the reins of the DOJ. Five days later, Mr. Bove sent a memorandum to Ms. Sassoon, directing her to dismiss the case against Mr. Adams without prejudice pursuant to Rule 48(a) of the Federal Rules of Civil Procedure. *See* Exhibit A (Bove Memo).¹⁴ Mr. Bove cites two reasons supporting the dismissal: (1) the charges appear to be in retribution for Mr. Adams’s criticism of President Biden’s immigration policies (a baseless claim as the investigation began before Mr. Adams became mayor); and (2) the prosecution has restricted Mr. Adams’s ability to “devote full attention and resources to the illegal immigration and violent crime that escalated under the policies of the prior Administration.” *Id.* at 1-2.

Mr. Bove provides no reason in the memo for seeking dismissal without prejudice, meaning Mr. Adams could be re-charged. Indeed, the Bove Memo provides that “the matter shall be reviewed by the confirmed U.S. Attorney in the Southern District of New York, following the November 2025 mayoral election, based on consideration of all relevant factors (including those set forth below).” *Id.* at 1. In other words, Mr. Bove directly contemplates revisiting the charges, including based on Mr. Adams’s attention to illegal immigration and violent crime.

⁹ *See* <https://www.nbcnews.com/politics/eric-adams-nyc-mayor-meets-trump-border-czar-tom-homan-rcna184064>.

¹⁰ *See* <https://www.nytimes.com/2024/12/16/nyregion/trump-pardon-eric-adams.html>.

¹¹ *See* <https://www.nytimes.com/2025/01/17/nyregion/adams-trump-mar-a-lago.html>.

¹² *See* <https://www.politico.com/news/2025/01/20/eric-adams-trump-inauguration-00199508>.

¹³ *See* <https://www.cbsnews.com/newyork/news/nyc-mayor-eric-adams-national-prayer-breakfast/>.

¹⁴ The Bove Memo was leaked to the press on February 10, 2025, the same day it was sent to Ms. Sassoon. *See, e.g.* <https://www.nytimes.com/interactive/2025/02/10/nyregion/adams-case-dismiss-memo.html>.

Mr. Bove openly admits in the memo that the dismissal has nothing to do with the strength of the evidence or the integrity of the prosecutors involved:

The Justice Department has reached this conclusion without assessing the strength of the evidence or the legal theories on which the case is based, which are issues on which we defer to the U.S. Attorney's Office at this time. Moreover, as I said during our recent meetings, this directive in no way calls into question the integrity and efforts of the line prosecutors responsible for the case, or your efforts in leading those prosecutors in connection with a matter you inherited.

Id. at 1. This is consistent with the quid pro quo deal sought by Mr. Adams's attorneys at the January 31, 2025 meeting with Mr. Bove, as recounted by Ms. Sassoon, as his attorneys claimed Mr. Adams would only be able to assist with immigration enforcement if the DOJ dismissed his case. *See* Exhibit B (Sassoon Letter) at 3, fn 1.

D. Ms. Sassoon Refuses to File Dismissal

On February 12, 2025, Ms. Sassoon responded by letter to Mr. Bove's directive to dismiss the case against Mr. Adams, saying that she was unable to do so without betraying her oath to faithfully discharge her duties. *See id.* at 1. Ms. Sassoon—a Trump appointee who is an active member of the Federalist Society and former law clerk to Justice Antonin Scalia¹⁵—plainly explains in her letter that “the government does not have a valid basis to seek dismissal” of Mr. Adams's case. *Id.* at 2.

Responding to Mr. Bove's claim in the Bove Memo that the prosecution of Mr. Adams raises concerns about the integrity of the DOJ and its weaponization against Mr. Adams, Ms. Sassoon correctly points out that the investigation began before the former U.S. Attorney had taken office and that the charges were recommended by experienced career prosecutors in her office as well as at the Public Integrity Section of “Main Justice” at the DOJ. *Id.* at 4.

Replying to Mr. Bove's admission that dismissing the case is directly connected to Mr. Adams's willingness to advance the immigration policies of the Trump Administration, Ms. Sassoon refers him to DOJ's own Justice Manual, which forbids federal prosecutors from considering a defendant's “political associations, activities, or beliefs.” *Id.* at 2 (citing Justice Manual (“JM”) § 9-27.260). She goes on to state, “Rather than be rewarded, Adams's advocacy should be called out for what it is: an improper offer of immigration enforcement assistance in exchange for a dismissal of his case.” *Id.* at 3.

In her letter, Ms. Sassoon also highlights one of the most alarming aspects of Mr. Bove's directive: That the indictment against Mr. Adams should be dismissed *without prejudice*. “[D]ismissing without prejudice and with the express option of again indicting Adams in the future creates obvious ethical problems, by implicitly threatening future prosecution if Adams's cooperation with enforcing the immigration laws proves unsatisfactory to the Department.” *Id.* at 7 (citing *In re Christoff*, 690 N.E.2d 1135 (Ind. 1997) (disciplining prosecutor for threatening

¹⁵ See <https://www.newyorker.com/news/the-lede/danielle-sassoons-american-bravery>.

to renew a dormant criminal investigation against a potential candidate for public office in order to dissuade the candidate from running); Bruce A. Green & Rebecca Roiphe, *Who Should Police Politicization of the DOJ?*, 35 Notre Dame J.L. Ethics & Pub. Policy 671, 681 (2021) (noting that the Arizona Supreme Court disbarred the elected chief prosecutor of Maricopa County, Arizona, and his deputy, in part, for misusing their power to advance the chief prosecutor’s partisan political interests)).

Ms. Sassoon concludes in her letter that she has no good-faith basis upon which to dismiss the indictment against Mr. Adams and states: “given the highly generalized accusations of weaponization, weighed against the strength of the evidence against Adams, a court will likely question whether that basis is pretextual.” *Id.* at 8 (internal citation omitted).

E. Mr. Bove Offers New, Ad Hoc Justifications for Dismissing the Adams Indictment

Mr. Bove responded to Ms. Sassoon by letter on February 13, 2025. Exhibit D (Feb. 13, 2025 Letter from Bove to Sassoon) (“Bove Letter”).¹⁶ This eight-page letter (four times as long as the original Bove Memo) provides a litany of new justifications for Mr. Bove’s directive to drop the *Adams* case, some of which are contradicted by his original statements in the Bove Memo.

First, Mr. Bove attempts to support his assertion of weaponization in the *Adams* case by claiming, without evidence, that “[t]he investigation [of Mr. Adams] was accelerated after Mayor Adams publicly criticized President Biden’s failed immigration policies[.]” *Id.* at 2. He also asserts the actions of the former U.S. Attorney, in putting up a personal website with links to news coverage of his prosecutions, somehow “tainted” the prosecution. *Id.* at 4. In an apparent attempt to skirt around the inconvenient fact that the investigation began before Mr. Adams became mayor and before he criticized President Biden’s policies, Mr. Bove writes, “Regardless of how the investigation of Mayor Adams was initiated, by 2024 your office’s work on the case was extremely problematic in that regard.” *Id.* at 5.

Second, Mr. Bove, while denying a quid pro quo, simultaneously doubled down on the deal outlined in the Bove Memo by arguing the dismissal is justified to permit Mr. Adams to govern.¹⁷ *Id.* at 6. While Mr. Bove avoids specifically citing immigration issues (as opposed to the Bove Memo), he alludes to the issue and indicates the decision to dismiss the case was based

¹⁶ Like the Bove Memo, the Bove Letter leaked to the press the same day it was written. See <https://www.nytimes.com/interactive/2025/02/13/nyregion/memo-from-bove-1.html>. This apparently occurred *prior* to the Sassoon Letter leaking to the press. See <https://x.com/EdWhelanEPPC/status/1890900603607429194> (Ed Whelan, conservative legal scholar, stating that Mr. Bove “leaked the Feb. 10 directive no later than Feb. 11[.]” and “leaked his Feb. 13 reply before Sassoon’s letter became public, thus ensuring that it would. Why?”).

¹⁷ This assertion is belied by Mr. Adams’s own assertions that the charges against him have not conflicted with his ability to serve as mayor. For example, in a December interview with Bloomberg TV, Mr. Adams stated: “I can do my job. My legal team is going to handle the case . . . People said it was going to be a distraction. I’m moving forward and I’m going to continue to deliver for the people of the City of New York.” See <https://www.nyc.gov/office-of-the-mayor/news/927-24/transcript-mayor-adams-appears-live-bloomberg-tv-s-the-close->

on policy rather than the merits of the case. *Id.* at 6 (“Presidents frequently make policy decisions that the Justice Department is charged with implementing.”).

Third, directly undermining his earlier statement in the Bove Memo that DOJ was directing the dismissal of the Adams indictment “without assessing the strength of the evidence or the legal theories on which the case is based” (Exhibit A (Bove Memo) at 1), Mr. Bove asserts in the Bove Letter that the prosecution of Mr. Adams “turns on factual and legal theories that are, at best, extremely aggressive.” *Id.* at 7. As evidence, Mr. Bove claims that the district court indicated Mr. Adams may have some future, hypothetical arguments if the interpretation of certain laws changed in the Second Circuit or the Supreme Court. *Id.*

Fourth, reversing his stance in the Bove Memo that he was “in no way call[ing] into question the integrity and efforts of the line prosecutors responsible for the case” (Exhibit A (Bove Memo) at 1), Mr. Bove asserts in the Bove Letter that there was “questionable behavior reflected in certain of the prosecution team’s decisions,” stating he is placing those very same line prosecutors on administrative leave pending investigations by the Office of the Attorney General and the Office of Professional Responsibility. Exhibit D (Bove Letter) at 1, 7.¹⁸

Fifth, Mr. Bove makes numerous statements in the Bove Letter mischaracterizing the duties of federal prosecutors, implying their only job is to follow the commands of leadership, regardless of their oath to defend the Constitution, their independent judgment, or their ethical duties. For example:

- “You lost sight of the oath that you took when you started at the Department of Justice by suggesting that you retain discretion to interpret the Constitution in a manner inconsistent with the policies of a democratically elected President and a Senate-confirmed Attorney General.” *Id.* at 1.
- “Your oath to uphold the Constitution does not permit you to substitute your policy judgment for that of the President or senior leadership of the Justice Department[.]” *Id.* at 5.
- “[You and the Assistant U.S. Attorneys assigned to the case] have all violated your oaths by failing to do [your jobs]. In no valid sense do you uphold the Constitution by disobeying direct orders implementing the policy of a duly elected President[.]” *Id.* at 6.
- “[You have committed a] “dereliction of your duty to advocate zealously on behalf of the United States.” *Id.* at 7.

¹⁸ One of those prosecutors, Hagan Scotten, resigned the next day on February 14, 2025. *See* Exhibit E (Feb. 14, 2025 Scotten Resignation Letter). In his resignation letter, Mr. Scotten stated that it would be inappropriate to use the prosecutorial powers to influence elected officials in the manner advanced by Mr. Bove, and concluded by stating, “If no lawyer within earshot of the President is willing to give him that advice, then I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.” *Id.*

With each of these statements, Mr. Bove is announcing to Ms. Sassoon, her team, and all federal prosecutors that, despite taking an oath to defend the Constitution and to do their duties consistent with their ethical obligations, they are prohibited from exhibiting any independent judgment with regard to faithfully fulfilling that oath. Hammering home this point, Mr. Bove states, “The Justice Department will not tolerate the insubordination and apparent misconduct reflected in the approach that you and your office have taken in this matter.” *Id.* at 3.

F. Mr. Bove’s Actions at the Public Integrity Section

According to Mr. Bove, Ms. Sassoon’s office “demonstrated itself to be incapable of fairly and impartially reviewing the circumstances of this prosecution,” so he transferred the case to DOJ’s Public Integrity Section. *Id.* at 2. On February 13, 2025, after Mr. Bove ordered the Public Integrity Section to file the dismissal, the Acting Chief of the section, John Keller, and three others promptly resigned rather than follow Mr. Bove’s order.¹⁹ Kevin Driscoll, the Acting Chief of the Criminal Division, which oversees federal criminal cases nationwide, also refused to drop the charges and resigned.²⁰

On February 14, 2025, after no fewer than six²¹ prosecutors resigned rather than use their status as licensed attorneys and their consequent access to the courts to file the dismissal, Mr. Bove reportedly gathered all the lawyers in the Public Integrity Section into a room and gave them an ultimatum: Decide who will file the dismissal in one hour, or everyone will be fired.²² To sweeten the pot, Mr. Bove apparently suggested that whoever agreed to sign the motion would be rewarded with a position of leadership.²³ Mr. Bove’s coercion was successful. Edward Sullivan volunteered to sign the dismissal, apparently to shield his colleagues from being fired or resigning en masse.²⁴

G. The Motion to Dismiss Without Prejudice is Filed

On February 14, 2025, the government filed its motion for dismissal without prejudice. *See* Exhibit F (Motion to Dismiss). The motion states, “[Mr. Bove] has determined, pursuant to an authorization by the Attorney General, that dismissal is necessary and appropriate, and has directed the same, based on the unique facts and circumstances of this case.” *Id.* at ¶ 4. The motion cites alleged “appearances of impropriety” caused by former U.S. Attorney Damian Williams’s personal website and an op-ed published by Mr. Williams. *Id.* at ¶ 5.²⁵ The motion

¹⁹ *See* <https://www.nbcnews.com/politics/justice-department/top-federal-prosecutor-ny-resigns-told-drop-adams-charges-rcna192030>.

²⁰ *Id.*

²¹ Since that date, at least two additional prosecutors have resigned, bringing the total to eight so far. *See* <https://www.washingtonpost.com/national-security/2025/02/19/eric-adams-court-hearing-corruption-justice-department/>.

²² *See* <https://www.politico.com/news/2025/02/14/justice-department-crisis-resignations-adams-00204482>.

²³ *See* <https://www.cnn.com/politics/live-news/trump-administration-russia-ukraine-02-18-25/cm7allb71000h3b6neqhr3n87> (citing to the unpublished resignation letter of former Public Integrity Section attorney Ryan Crosswell).

²⁴ *See* <https://www.nytimes.com/2025/02/14/us/politics/eric-adams-doj-lawyers.html>.

²⁵ The motion cites www.damianwilliamsofficial.com; and <https://www.cityandstateny.com/opinion/2025/01/opinion-indictment-sad-state-new-york-government/402235/>.

also attempts to justify dismissal based on a determination that the proceedings “interfere with [Mr. Adams’s] ability to govern in New York City, which poses unacceptable threats to public safety, national security, and related federal immigration initiatives and policies.”²⁶ *Id.* at ¶ 6 (internal citations omitted). The motion makes no statements about the case evidence, the strength of the case, or the alleged “questionable behavior” by the prosecution team cited in the Bove Letter. *See* Exhibit D (Bove Letter) at 7. In addition to a supervisory attorney in the Criminal Division and Mr. Sullivan, Mr. Bove also signed the motion.²⁷ Exhibit F at 3.

H. Hearing on the Motion to Dismiss

On February 19, 2025, Judge Dale Ho held a hearing on the Motion to Dismiss. Further highlighting the dissension among prosecutors in the chain of command, Mr. Bove—the acting No. 2 official at the DOJ—represented the United States by himself at the hearing.²⁸

Judge Ho opened the hearing by expressing confusion as to what “without prejudice” means in this circumstance and asking Mr. Bove whether the charges could be brought again.²⁹ Mr. Bove confirmed that, yes, the charges could be refiled.³⁰ When pressed as to what circumstances might cause the government to refile the case, Mr. Bove only said that, while the DOJ could revisit the charges against the mayor, “I don’t have any plans for that at this time.”³¹

Noting that the motion made no reference to the strength of the case,³² Judge Ho asked Mr. Bove to explain, at a high level, the rationale for the dismissal.³³ Mr. Bove, largely repeating what he put in the motion, said that the case has “appearances of impropriety” and represents an abuse of the criminal justice system.³⁴ When asked about the alleged interference with the 2025 mayoral election, Mr. Bove said that the mayor’s very presence in courtroom “is part of the problem,” adding that the case is hindering the performance of the mayor’s duties.³⁵

Judge Ho asked Mr. Bove for examples in which the government has abandoned an indictment where the defendant is a public official with serious responsibilities related to immigration or similar issues, but Mr. Bove was unable to provide a single example supporting

²⁶ Applying Mr. Bove’s logic, no public official who is the mayor of a large city or governor of a large state should ever be prosecuted because a criminal case would inhibit them from carrying out their duties. This, of course, is belied by the long history of public corruption charges brought against high-ranking public officials in the past.

²⁷ Perhaps demonstrating the lack of internal DOJ unity regarding the decision to drop the charges, the motion describes the justification in terms of “the Acting Attorney General determined,” (Exhibit F (Motion to Dismiss) at ¶ 4), “the Acting Attorney General concluded” (*id.* at ¶ 5), and “the Acting Attorney General also concluded” (*id.* at ¶ 6).

²⁸ *See* <https://www.nytimes.com/live/2025/02/19/nyregion/eric-adams-hearing-corruption-case>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

his actions. Judge Ho then asked whether the same rationale would apply to an investigation of a police commissioner, and Mr. Bove confirmed that it would.³⁶

During this exchange, Mr. Bove stated that, even if the case were not dropped, Mr. Adams could have his security clearance restored.³⁷ This statement directly undercuts one of Mr. Bove's stated rationales for dropping the case in the Bove Letter:

[Mr. Adams] cannot speak to federal officials regarding imminent security threats to the City. And he cannot fully cooperate with the federal government in the manner he deems appropriate to keep the City and its residents safe. This situation is unacceptable and directly endangers the lives of millions of New Yorkers.

Exhibit D (Bove Letter) at 6.

Judge Ho eventually turned to the issues raised in the Bove Memo, asking Mr. Bove if he could consider its contents.³⁸ Mr. Bove claimed Judge Ho was unable to consider the contents of the Bove Memo, even though the judge has to consider whether the motion was filed in bad faith.³⁹ Under questioning about the alleged quid pro quo, Mr. Bove asserted only, "There is no basis to question my representations to this court."⁴⁰

Remarkably, during the hearing, Mr. Bove called the dismissal of the indictment against Mr. Adams "a standard exercise of prosecutorial discretion[.]"⁴¹

G. The Court's Order Appointing *Amicus Curiae*

On February 21, 2025, Judge Ho entered an order appointing former United States Solicitor General Paul Clement as *amicus curiae* to present arguments regarding the government's motion to dismiss.⁴² See Exhibit G (Order). Judge Ho reasons that, given the agreement on the motion between the government and Adams, "there has been no adversarial testing of the Government's position[.]" *Id.* at 2. Thus, he ordered Mr. Clement to address, among other things, the legal standard for leave to dismiss an indictment under Rule 48(a), under what circumstances dismissal should be with or without prejudice, and whether the Court may consider materials other than the motion itself, the last likely an allusion to the leaked correspondence between Mr. Bove and Ms. Sassoon and perhaps other information regarding DOJ's decision and process to seek dismissal.

The Court set a deadline of March 7, 2025, for Mr. Clement to file a brief and stated it will hold oral argument, if necessary, at 2:00 p.m. on March 14, 2025.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² The Court also removed the case from the trial calendar. *Id.* at 1. Trial had originally been set to begin on April 21, 2025.

II. Violations of the New York Rules of Professional Conduct

Mr. Bove's conduct with respect to the *Adams* case violates multiple Rules.

A. Mr. Bove Violated Rule 8.4.

A lawyer is “an officer of the legal system,” who “has a duty to uphold the legal process [and] to demonstrate respect for the legal system[.]” Rules, Preamble at ¶ 1. Consistent with that directive, Rule 8.4 prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; conduct that is prejudicial to the administration of justice; and conduct that adversely reflects on the lawyer's fitness as a lawyer. Rules 8.4(c), (d), and (h). Mr. Bove appears to have violated all these precepts.

In crafting an improper quid pro quo to dismiss the indictment against Mr. Adams without prejudice, thereby implicitly using the threat of reinstating criminal charges to ensure Mr. Adams's ongoing cooperation with the Trump Administration's immigration policies in New York City, and by attempting to coerce prosecutors who refused to comply with his improper demands by threatening not only their own jobs but the jobs—and livelihoods—of their colleagues, Mr. Bove has engaged in conduct prejudicial to the administration of justice. Comment 3 to Rule 8.4 states, “The prohibition on conduct prejudicial to the administration of justice is generally invoked to punish conduct, whether or not it violates another ethics rule, that results in substantial harm to the justice system comparable to those caused by obstruction of justice[.]” Mr. Bove's conduct here, which can only serve to erode the public's trust in the justice system, not only of New York, but of the entire federal government, rises to the level of causing “substantial harm to the justice system[.]” See Rule 8.4, cmt. 3.

While Mr. Bove has denied the existence of a quid pro quo, including at the February 19, 2025 hearing, the Bove Memo lays bare that scheme: “We are particularly concerned about the impact of the prosecution on Mayor Adams' ability to support critical, ongoing federal efforts ‘to protect the American people from the disastrous effects of unlawful mass migration and resettlement.’” Exhibit A (Bove Memo) at 2. Reinforcing the transparent exchange of the dismissal for assistance with immigration policies, on February 14, 2025, Mr. Adams and “Border Czar” Tom Homan appeared together on “Fox and Friends.”⁴³ Referring to Mr. Adams's pledge to permit U.S. Immigration and Customs Enforcement to operate on Rikers Island, Mr. Homan said, “If he doesn't come through, I'll be back in New York City and we won't be sitting on the couch. I'll be in his office, up his butt saying, ‘Where the hell is the agreement we came to?’”⁴⁴

Mr. Bove's insistence on seeking a dismissal *without prejudice* further highlights the prejudicial effect of the quid pro quo on the administration of justice—it is designed to maintain leverage over Mr. Adams so that he will do the bidding of the Trump Administration. As Ms. Sassoon noted in her letter to Mr. Bove, “dismissing without prejudice and with the express

⁴³ See <https://www.nbcnews.com/politics/justice-department/trumps-border-czar-tells-eric-adams-butt-nyc-mayor-breaks-vow-help-ice-rcna192201>.

⁴⁴ *Id.*

option of again indicting Adams in the future creates obvious ethical problems, by implicitly threatening future prosecution if Adams's cooperation with enforcing the immigration laws proves unsatisfactory to the Department." Exhibit B (Sassoon Letter) at 7 (internal citations omitted). Dangling the threat of future prosecution over Mr. Adams should he cross the Trump Administration is facially prejudicial to the administration of justice.

Further, at the February 19, 2025 hearing, Mr. Bove admitted he could provide no examples of the DOJ dismissing a case based on the rationale provided for dismissing the Adams indictment.⁴⁵ Despite this, Mr. Bove was not shy about admitting this same rationale could be applied in other cases. For example, Judge Ho asked whether the same rationale would apply to an investigation of a police commissioner, and Mr. Bove confirmed that it would.⁴⁶ Essentially, Mr. Bove's position is that DOJ is free to prioritize obtaining cooperation from officials in positions of power over enforcing the law against those same officials, providing a wide swath of officials with a "get out of jail free" card if they control levers helpful to the Trump Administration.

In the same vein, Mr. Bove's rationale and his willingness to apply it to other cases also provides a perverse incentive for DOJ, encouraging the government to target officials in positions of power who resist the Trump Administration's policies for the purpose of negotiating favorable prosecution outcomes in exchange for political cooperation. The systemic consequences of Mr. Bove's rationale cannot be overstated. Weaponizing DOJ by attempting to coerce or extort elected officials in this manner could destroy the democratic principles at the foundation of our Constitution.

Additionally, by seeking to disguise the true nature of this quid pro quo in the motion to dismiss and at the February 19, 2025 hearing, Mr. Bove has misrepresented the matter before the Court.⁴⁷ Moreover, his actions prejudicial to the administration of justice and his apparent abuse of his governmental authority adversely reflect on Mr. Bove's fitness as a lawyer.

Mr. Bove's violations of Rule 8.4 are especially egregious as he committed them through actions undertaken through the power of his public office. Comment 5 to Rule 8.4 states "Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers." Mr. Bove abused the power of his office and has demonstrated an inability to fulfill his professional responsibilities.

B. Mr. Bove Violated Rule 3.4(e).

Rule 3.4(e) states, "A lawyer shall not . . . present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter." As discussed at length already, Mr. Bove has insisted on seeking dismissal in Mr. Adams's case without prejudice to maintain leverage over Mr. Adams so that he will do the bidding of the Trump Administration

⁴⁵ See <https://www.nytimes.com/live/2025/02/19/nyregion/eric-adams-hearing-corruption-case>.

⁴⁶ *Id.*

⁴⁷ The Committee may also consider examining whether Mr. Bove's representations to the district court violate Rule 3.1 as advancing frivolous positions and/or positions for which there is no basis in law.

with respect to immigration enforcement, which are primarily administrative civil proceedings. *See* Exhibit B (Sassoon Letter) at 7. *See also Zheng v. U.S. Dep’t of Justice*, 409 F.3d 43, 46 (2d Cir. 2005) (“[I]mmigration cases are civil, not criminal, proceedings.”); *City of New York v. Whitaker*, No. 18-cv-06474 (S.D.N.Y.) (where the City of New York sued the Department of Justice for imposing immigration-related conditions on grant funding that would have required the city to cooperate with federal immigration authorities). To the extent Mr. Bove is seeking to obtain an advantage with respect to any executive action, however, whether it includes immigration detainers, arrests, or deportations, the criminal justice system is being weaponized to achieve, such efforts should be found to fall within the scope of Rule 3.4(e).

Here, Mr. Bove is threatening Mr. Adams with criminal prosecution (i.e., refiling the indictment) if Mr. Adams fails to assist in fulfilling the immigration enforcement goals of the Trump Administration. This appears to be the *sole* purpose of dismissing the complaint without prejudice. In support of dismissal, Mr. Bove claims the prosecution constitutes a weaponization of the legal system and that it is hindering Mr. Adams’s ability to govern. If true, refiling the indictment would serve only to exacerbate the alleged weaponization and further hinder Mr. Adams’s ability to govern. Therefore, it seems Mr. Bove’s true intent is to maintain the threat of criminal prosecution over Mr. Adams like the sword of Damocles.

Additionally, as discussed above, Mr. Bove indicated a willingness to use this tool in other cases in the future.⁴⁸ In those future cases, DOJ might again seek dismissals without prejudice to obtain political cooperation while maintaining leverage over the targeted public officials. This could result in a system of justice under which key public officials across the country could trade ongoing cooperation with Trump Administration policy objectives for – at least temporary – immunity from criminal prosecution just as Mr. Adams will remain under threat of prosecution if the motion to dismiss is granted without prejudice.⁴⁹

C. Mr. Bove Induced Others to Take Actions Despite a Conflict of Interest in Violation of Rule 1.7.

Rule 1.7(a)(2) forbids a lawyer from continuing a representation “if a reasonable lawyer would conclude that . . . there is a significant risk that the lawyer’s professional judgment on behalf of a client will be adversely affected by the lawyer’s own financial, business, property or other personal interests.” When Mr. Bove forced multiple federal prosecutors to choose between filing the motion to dismiss Mr. Adams’s case—a motion with which they fundamentally

⁴⁸ <https://www.nytimes.com/live/2025/02/19/nyregion/eric-adams-hearing-corruption-case> (Mr. Bove saying at the February 19, 2025 hearing on the motion to dismiss that the same rationale used to dismiss this case could be used in other cases, like those of investigations of police commissioners).

⁴⁹ The Committee and the Court may also determine that this threat is coercive and in violation of New York Law, which, in turn, would constitute a violation of Rule 8.4(b). In New York, coercion is defined as “compel[ing] or induc[ing] a person to engage in conduct which the latter has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she has a legal right to engage . . . by means of instilling in him or her a fear that, if the demand is not complied with, the actor or another will . . . cause criminal charges to be instituted against him or her[.]” *See* NY Penal Law § 135.60(4). If the Committee finds Mr. Bove’s conduct meets that standard, it could find him in violation of Rule 8.4(b) for “engag[ing] in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer.”

disagreed, including because they believed doing so would violate their ethical duties—and losing their jobs, Mr. Bove created personal conflicts of interest that required these lawyers to recuse themselves from the matter. Mr. Bove foreclosed recusal, however, by threatening to fire the entire Public Integrity Section. By coercing Mr. Sullivan to file the motion to dismiss by threatening the career of his colleagues, Mr. Bove caused Mr. Sullivan to continue a representation despite a personal conflict of interest.⁵⁰

Rule 8.4(a) prohibits lawyers from “violat[ing] or attempt[ing] to violate the [Rules], knowingly assist[ing] or induc[ing] another to do so, or do[ing] so through the acts of another.” And Rule 5.1(d)(1) holds a lawyer responsible for the acts of another if “the lawyer orders or directs the specific conduct...” By ordering Mr. Sullivan to choose between dismissing the indictment and losing his job, Mr. Bove has violated the Rules to the extent Mr. Sullivan would not have filed the motion absent the threat to fire him and/or all of the lawyers in the Public Integrity Section.

D. Mr. Bove Ordered Others to Violate Their Duty of Candor Under Rule 3.3.

Rule 3.3(a)(1) states, “A lawyer shall not knowingly make a false statement of fact or law to a tribunal” This rule is designed to ensure the integrity of the judicial process by requiring lawyers to be truthful and forthright in their dealings with the court.

As Ms. Sassoon explained in her February 12 letter, there are no “reasonable arguments in support of a Rule 48(a) motion to dismiss a case that is well supported by the evidence and the law.” Exhibit B (Sassoon Letter) at 7. She continued, “because I do not see any good-faith basis for the proposed position, I cannot make such arguments consistent with my duty of candor.” *Id.* (citing Rule 3.3 and cmt. 2 (“A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client’s case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate’s duty of candor to the tribunal.”)).

In considering a Rule 48(a) dismissal, courts “should be satisfied that the reasons advanced for the proposed dismissal are substantial and the real grounds upon which the application is based.” *See, e.g., United States v. Greater Blouse, Skirt & Neckwear Contractors*, 228 F. Supp. 483, 487 (S.D.N.Y. 1964) (courts “should be satisfied that the reasons advanced for the proposed dismissal are substantial and the real grounds upon which the application is based”). Here, as Ms. Sassoon alludes, Mr. Bove’s stated reasons for dismissal are pretextual, i.e., false. Exhibit B (Sassoon Letter) at 8. For example, Mr. Bove claimed “the timing of charges authorized by a former U.S. Attorney with political aspirations interferes with Mayor Adams’ ability to run a campaign in the 2025 election,” (Exhibit D (Bove Letter) at 4), but in

⁵⁰ Reporting indicates Mr. Sullivan, nearing retirement, offered to sign the motion to avoid the mass firing and give colleagues time to seek new jobs. While the group agreed to accept his offer, some still believed Mr. Bove would exact retaliation and that it would have been more principled for everyone to refuse to sign the dismissal. *See* <https://www.washingtonpost.com/national-security/2025/02/14/justice-prosecutors-resignation-trump-eric-adams-corruption/>.

fact, the decision to charge Mr. Adams was made in September 2024, nine months before the June 2025 Democratic mayoral primary and more than a year before the general election, which “complied in every respect with longstanding [DOJ] policy regarding election year sensitivities....” Exhibit B (Sassoon Letter) at 4.

As discussed above, Rules 8.4(a) and 5.1(d) prohibit lawyers from inducing others to violate the Rules and holds lawyers accountable for the acts of others if the lawyer directed that person’s conduct. *See* Rules 8.4(a) and 5.1(d). By ordering Ms. Sassoon, and later other prosecutors, to argue for dismissal for pretextual reasons, Mr. Bove appears to have violated the Rules.

III. Conclusion

Mr. Bove’s actions with respect to the prosecution of Mayor Adams appear to represent a serious breach of his ethical obligations. His conduct undermines the integrity of the DOJ, appears to have violated multiple provisions on the New York Rules of Professional Conduct, and undoubtedly will erode public trust in the legal system if permitted without consequence.

If, as Mr. Bove asserts, courts are powerless to stop the DOJ from dismissing cases under these circumstances, there are few authorities remaining who could stand between him and the weaponization of the justice system to serve the president’s political will. The Committees, however, are uniquely positioned to put a stop to this by preventing Mr. Bove from using his New York Bar license and access to the U.S. District Court for the Southern District of New York to repeat his conduct in the *Adams* case. Failing to discipline Mr. Bove under these egregious circumstances will embolden others who would use our system of justice for their own political ends.

We respectfully request that the Committees conduct a thorough investigation into these allegations and impose appropriate disciplinary measures.

Respectfully submitted,



Michelle Koppersmith
Executive Director
Campaign for Accountability

Encls.

EXHIBIT A



U.S. Department of Justice

Office of the Deputy Attorney General

Washington, DC 20530

February 10, 2025

MEMORANDUM FOR ACTING UNITED STATES ATTORNEY, UNITED STATES
 ATTORNEY'S OFFICE FOR THE SOUTHERN DISTRICT OF
 NEW YORK

FROM: THE ACTING DEPUTY ATTORNEY GENERAL *683 2/10/25*

SUBJECT: Dismissal Without Prejudice of Prosecution of Mayor Eric Adams

You are directed, as authorized by the Attorney General, to dismiss the pending charges in *United States v. Adams*, No. 24 Cr. 556 (SDNY) as soon as is practicable, subject to the following conditions: (1) the defendant must agree in writing to dismissal without prejudice; (2) the defendant must agree in writing that he is not a prevailing party under the Hyde Amendment, Pub. L. 105-119 (Nov. 26, 1997); and (3) the matter shall be reviewed by the confirmed U.S. Attorney in the Southern District of New York, following the November 2025 mayoral election, based on consideration of all relevant factors (including those set forth below). There shall be no further targeting of Mayor Adams or additional investigative steps prior to that review, and you are further directed to take all steps within your power to cause Mayor Adams' security clearances to be restored.

The Justice Department has reached this conclusion without assessing the strength of the evidence or the legal theories on which the case is based, which are issues on which we defer to the U.S. Attorney's Office at this time. Moreover, as I said during our recent meetings, this directive in no way calls into question the integrity and efforts of the line prosecutors responsible for the case, or your efforts in leading those prosecutors in connection with a matter you inherited. However, the Justice Department has determined that dismissal subject to the above-described conditions is necessary for two independent reasons.

First, the timing of the charges and more recent public actions by the former U.S. Attorney responsible for initiating the case have threatened the integrity of the proceedings, including by increasing prejudicial pretrial publicity that risks impacting potential witnesses and the jury pool. It cannot be ignored that Mayor Adams criticized the prior Administration's immigration policies before the charges were filed, and the former U.S. Attorney's public actions created appearances of impropriety that implicate the concerns raised in the Attorney General's February 5, 2025 memorandum regarding *Restoring The Integrity and Credibility of the Department of Justice*, as well as in Executive Order 14147, entitled *Ending The Weaponization*

Of The Federal Government. These actions and the underlying case have also improperly interfered with Mayor Adams' campaign in the 2025 mayoral election. See Justice Manual § 9-85.500, entitled *Actions that May Have an Impact on an Election*.

Second, the pending prosecution has unduly restricted Mayor Adams' ability to devote full attention and resources to the illegal immigration and violent crime that escalated under the policies of the prior Administration. We are particularly concerned about the impact of the prosecution on Mayor Adams' ability to support critical, ongoing federal efforts "to protect the American people from the disastrous effects of unlawful mass migration and resettlement," as described in Executive Order 14165.¹ Accomplishing the immigration objectives established by President Trump and the Attorney General is every bit as important—if not more so—as the objectives that the prior Administration pursued by releasing violent criminals such as Viktor Bout, the "Merchant of Death."² Accordingly, based on these additional concerns that are distinct from the weaponization problems, dismissal without prejudice is also necessary at this time.

¹ Your Office correctly noted in a February 3, 2025 memorandum, "as Mr. Bove clearly stated to defense counsel during our meeting [on January 31, 2025], the Government is not offering to exchange dismissal of a criminal case for Adams's assistance on immigration enforcement."

² According to an October 2024 *Wall Street Journal* article, Bout has already started to participate in arms deals again, including negotiations with representatives of Ansar Allah, also known as the Houthis. <https://www.wsj.com/world/russia/putins-merchant-of-death-is-back-in-the-arms-business-this-time-selling-to-the-houthis-10b7f521>.

EXHIBIT B



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

February 12, 2025

BY EMAIL

The Honorable Pamela Jo Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Re: United States v. Eric Adams, 24 Cr. 556 (DEH)

Dear Attorney General Bondi:

On February 10, 2025, I received a memorandum from acting Deputy Attorney General Emil Bove, directing me to dismiss the indictment against Mayor Eric Adams without prejudice, subject to certain conditions, which would require leave of court. I do not repeat here the evidence against Adams that proves beyond a reasonable doubt that he committed federal crimes; Mr. Bove rightly has never called into question that the case team conducted this investigation with integrity and that the charges against Adams are serious and supported by fact and law. Mr. Bove's memo, however, which directs me to dismiss an indictment returned by a duly constituted grand jury for reasons having nothing to do with the strength of the case, raises serious concerns that render the contemplated dismissal inconsistent with my ability and duty to prosecute federal crimes without fear or favor and to advance good-faith arguments before the courts.

When I took my oath of office three weeks ago, I vowed to well and faithfully discharge the duties of the office on which I was about to enter. In carrying out that responsibility, I am guided by, among other things, the Principles of Federal Prosecution set forth in the Justice Manual and your recent memoranda instructing attorneys for the Department of Justice to make only good-faith arguments and not to use the criminal enforcement authority of the United States to achieve political objectives or other improper aims. I am also guided by the values that have defined my over ten years of public service. You and I have yet to meet, let alone discuss this case. But as you may know, I clerked for the Honorable J. Harvie Wilkinson III on the U.S. Court of Appeals for the Fourth Circuit, and for Justice Antonin Scalia on the U.S. Supreme Court. Both men instilled in me a sense of duty to contribute to the public good and uphold the rule of law, and a commitment to reasoned and thorough analysis. I have always considered it my obligation to pursue justice impartially, without favor to the wealthy or those who occupy important public office, or harsher treatment for the less powerful.

I therefore deem it necessary to the faithful discharge of my duties to raise the concerns expressed in this letter with you and to request an opportunity to meet to discuss them further. I cannot fulfill my obligations, effectively lead my office in carrying out the Department's priorities,

or credibly represent the Government before the courts, if I seek to dismiss the Adams case on this record.

A. The Government Does Not Have a Valid Basis To Seek Dismissal

Mr. Bove's memorandum identifies two grounds for the contemplated dismissal. I cannot advance either argument in good faith. As you know, the Government "may, with leave of court, dismiss an indictment" under Federal Rule of Criminal Procedure 48(a). "The principal object of the 'leave of court' requirement is apparently to protect a defendant against prosecutorial harassment, *e.g.*, charging, dismissing, and recharging, when the Government moves to dismiss an indictment over the defendant's objection." *Rinaldi v. United States*, 434 U.S. 22, 30 n.15 (1977). "But the Rule has also been held to permit the court to deny a Government dismissal motion to which the defendant has consented if the motion is prompted by considerations clearly contrary to the public interest." *Id.*; *see also* JM § 9-2.050 (reflecting Department's position that a "court may decline leave to dismiss if the manifest public interest requires it"). The reasons advanced by Mr. Bove for dismissing the indictment are not ones I can in good faith defend as in the public interest and as consistent with the principles of impartiality and fairness that guide my decision-making.

First, Mr. Bove proposes dismissing the charges against Adams in return for his assistance in enforcing the federal immigration laws, analogizing to the prisoner exchange in which the United States freed notorious Russian arms dealer Victor Bout in return for an American prisoner in Russia. Such an exchange with Adams violates commonsense beliefs in the equal administration of justice, the Justice Manual, and the Rules of Professional Conduct. The "commitment to the rule of law is nowhere more profoundly manifest" than in criminal justice. *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 384 (2004) (alterations and citation omitted). Impartial enforcement of the law is the bedrock of federal prosecutions. *See* Robert H. Jackson, *The Federal Prosecutor*, 24 J. Am. Jud. Soc'y 18 (1940). As the Justice Manual has long recognized, "the rule of law depends upon the evenhanded administration of justice. The legal judgments of the Department of Justice must be impartial and insulated from political influence." JM § 1-8.100. But Adams has argued in substance—and Mr. Bove appears prepared to concede—that Adams should receive leniency for federal crimes solely because he occupies an important public position and can use that position to assist in the Administration's policy priorities.

Federal prosecutors may not consider a potential defendant's "political associations, activities, or beliefs." *Id.* § 9-27.260; *see also* *Wayte v. United States*, 470 U.S. 598, 608 (1985) (politically motivated prosecutions violate the Constitution). If a criminal prosecution cannot be used to punish political activity, it likewise cannot be used to induce or coerce such activity. Threatening criminal prosecution even to gain an advantage in civil litigation is considered misconduct for an attorney. *See, e.g.*, D.C. Bar Ethics Opinion 339; ABA Criminal Justice Standard 3-1.6 ("A prosecutor should not use other improper considerations, such as partisan or political or personal considerations, in exercising prosecutorial discretion."). In your words, "the Department of Justice will not tolerate abuses of the criminal justice process, coercive behavior, or other forms of misconduct." Dismissal of the indictment for no other reason than to influence Adams's mayoral decision-making would be all three.

The memo suggests that the issue is merely removing an obstacle to Adams's ability to assist with federal immigration enforcement, but that does not bear scrutiny. It does not grapple with the differential treatment Adams would receive compared to other elected officials, much less other criminal defendants. And it is unclear why Adams would be better able to aid in immigration enforcement when the threat of future conviction is due to the possibility of reinstatement of the indictment followed by conviction at trial, rather than merely the possibility of conviction at trial. On this point, the possibility of trial before or after the election cannot be relevant, because Adams has selected the timing of his trial.

Rather than be rewarded, Adams's advocacy should be called out for what it is: an improper offer of immigration enforcement assistance in exchange for a dismissal of his case. Although Mr. Bove disclaimed any intention to exchange leniency in this case for Adams's assistance in enforcing federal law,¹ that is the nature of the bargain laid bare in Mr. Bove's memo. That is especially so given Mr. Bove's comparison to the Bout prisoner exchange, which was quite expressly a *quid pro quo*, but one carried out by the White House, and not the prosecutors in charge of Bout's case.

The comparison to the Bout exchange is particularly alarming. That prisoner swap was an exchange of official acts between separate sovereigns (the United States and Russia), neither of which had any claim that the other should obey its laws. By contrast, Adams is an American citizen, and a local elected official, who is seeking a personal benefit—immunity from federal laws to which he is undoubtedly subject—in exchange for an act—enforcement of federal law—he has no right to refuse. Moreover, the Bout exchange was a widely criticized sacrifice of a valid American interest (the punishment of an infamous arms dealer) which Russia was able to extract only through a patently selective prosecution of a famous American athlete.² It is difficult to imagine that the Department wishes to emulate that episode by granting Adams leverage over it akin to Russia's influence in international affairs. It is a breathtaking and dangerous precedent to reward Adams's opportunistic and shifting commitments on immigration and other policy matters with dismissal of a criminal indictment. Nor will a court likely find that such an improper exchange is consistent with the public interest. See *United States v. N.V. Nederlandsche Combinatie Voor Chemische Industrie* (“*Nederlandsche Combinatie*”), 428 F. Supp. 114, 116-17 (S.D.N.Y. 1977) (denying Government's motion to dismiss where Government had agreed to dismiss charges against certain defendants in exchange for guilty pleas by others); cf. *In re United States*, 345 F.3d 450, 453 (7th Cir. 2003) (describing a prosecutor's acceptance of a bribe as a clear example of a dismissal that should not be granted as contrary to the public interest).

¹ I attended a meeting on January 31, 2025, with Mr. Bove, Adams's counsel, and members of my office. Adams's attorneys repeatedly urged what amounted to a *quid pro quo*, indicating that Adams would be in a position to assist with the Department's enforcement priorities only if the indictment were dismissed. Mr. Bove admonished a member of my team who took notes during that meeting and directed the collection of those notes at the meeting's conclusion.

² See, e.g., <https://thehill.com/homenews/3767785-trump-pans-prisoner-swap-brittney-griner-hates-our-country/>.

Second, Mr. Bove states that dismissal is warranted because of the conduct of this office's former U.S. Attorney, Damian Williams, which, according to Mr. Bove's memo, constituted weaponization of government as defined by the relevant orders of the President and the Department. The generalized concerns expressed by Mr. Bove are not a basis to dismiss an indictment returned by a duly constituted grand jury, at least where, as here, the Government has no doubt in its evidence or the integrity of its investigation.

As Mr. Bove's memo acknowledges, and as he stated in our meeting of January 31, 2025, the Department has no concerns about the conduct or integrity of the line prosecutors who investigated and charged this case, and it does not question the merits of the case itself. Still, it bears emphasis that I have only known the line prosecutors on this case to act with integrity and in the pursuit of justice, and nothing I have learned since becoming U.S. Attorney has demonstrated otherwise. If anything, I have learned that Mr. Williams's role in the investigation and oversight of this case was even more minimal than I had assumed. The investigation began before Mr. Williams took office, he did not manage the day-to-day investigation, and the charges in this case were recommended or approved by four experienced career prosecutors, the Chiefs of the SDNY Public Corruption Unit, and career prosecutors at the Public Integrity Section of the Justice Department. Mr. Williams's decision to ratify their recommendations does not taint the charging decision. And notably, Adams has not brought a vindictive or selective prosecution motion, nor would one be successful. *See United States v. Stewart*, 590 F.3d 93, 121-23 (2d Cir. 2009); *cf. United States v. Biden*, 728 F. Supp. 3d 1054, 1092 (C.D. Cal. 2024) (rejecting argument that political public statements disturb the "'presumption of regularity' that attaches to prosecutorial decisions").

Regarding the timing of the indictment, the decision to charge in September 2024—nine months before the June 2025 Democratic Mayoral Primary and more than a year before the November 2025 Mayoral Election—complied in every respect with longstanding Department policy regarding election year sensitivities and the applicable Justice Manual provisions. The Justice Manual requires that when investigative steps and charges involving a public official could be seen as affecting an election the prosecuting office must consult with the Public Integrity Section, and, if directed to do so, the Office of the Deputy Attorney General or Attorney General. *See JM §§ 9-85.210, 9-85.500*. As you are aware, this office followed this requirement. Further, the Justice Department's concurrence was unquestionably consistent with the established policies of the Public Integrity Section. *See, e.g., Public Integrity Section, Federal Prosecution of Election Offenses 85 (2017)* (pre-election action may be appropriate where "it is possible to both complete an investigation and file criminal charges against an offender prior to the period immediately before an election"). The Department of Justice correctly concluded that bringing charges nine months before a primary election was entirely appropriate.

The timing of the charges in this case is also consistent with charging timelines of other cases involving elected officials, both in this District and elsewhere. *See, e.g., United States v. Robert Menendez*, 23 Cr. 490 (SHS) (S.D.N.Y.) (indictment in September 2023); *United States v. Duncan Hunter*, 18 Cr. 3677 (S.D. Cal.) (indictment in August 2018). I am not aware of any instance in which the Department has concluded that an indictment brought this far in advance of an election is improper because it may be pending during an electoral cycle, let alone that a validly returned and factually supported indictment should be dismissed on this basis.

When first setting the trial date, the District Court and the parties agreed on the importance of completing the trial *before* the upcoming mayoral election—including before the Democratic primary in which Adams is a candidate—so that the voters would know how the case resolved before casting their votes. (*See* Dkt. 31 at 38-44). Adams has decided that he would prefer the trial to take place before rather than after the June 2025 primary, notwithstanding the burden trial preparation would place on his ability to govern the City or campaign for re-election. But that is his choice, and the District Court has made clear that Adams is free to seek a continuance. (*See* Dkt. 113 at 18 n.6). The parties therefore cannot argue with candor that dismissing serious charges before an election, but holding open the possibility that those charges could be reinstated if Adams were re-elected, would now be other than “clearly contrary to the manifest public interest.” *United States v. Blaszczyk*, 56 F.4th 230, 238-39 (2d Cir. 2022) (internal quotation marks omitted).

Mr. Bove’s memo also refers to recent public actions by Mr. Williams. It is not my role to defend Mr. Williams’s motives or conduct. Given the appropriate chronology of this investigation and the strength of the case, Mr. Williams’s conduct since leaving government service cannot justify dismissal here. With respect to pretrial publicity, the District Court has already determined that Mr. Williams’s statements have not prejudiced the jury pool. The District Court has also repeatedly explained that there is no evidence that any leaks to the media came from the prosecution team—although there is evidence media leaks came from the defense team—and no basis for any relief. (*See* Dkt. 103 at 3-6; Dkt. 49 at 4-21). Mr. Williams’s recent op-ed, the Court concluded, generally talks about bribery in New York *State*, and so is not a comment on the case. (Dkt. 103 at 6 n.5). Mr. Williams’s website does not even reference Adams except in the news articles linked there. (*See* Dkt. 99 at 3). And it is well settled that the U.S. Attorneys in this and other districts regularly conduct post-arrest press conferences. *See United States v. Avenatti*, 433 F. Supp. 3d 552, 567-69 (S.D.N.Y. 2020) (describing the practice); *see also, e.g.*, “New Jersey U.S. Attorney’s Office press conference on violent crime,” YouTube, <https://www.youtube.com/watch?v=oAEDHQCE91A> (announcing criminal charges against 42 defendants). In short, because there is in fact nothing about this prosecution that meaningfully differs from other cases that generate substantial pretrial publicity, a court is likely to view the weaponization rationale as pretextual.

Moreover, dismissing the case will amplify, rather than abate, concerns about weaponization of the Department. Despite Mr. Bove’s observation that the directive to dismiss the case has been reached without assessing the strength of the evidence against Adams, Adams has already seized on the memo to publicly assert that he is innocent and that the accusations against him were unsupported by the evidence and based only on “fanfare and sensational claims.” Confidence in the Department would best be restored by means well short of a dismissal. As you know, our office is prepared to seek a superseding indictment from a new grand jury under my leadership. We have proposed a superseding indictment that would add an obstruction conspiracy count based on evidence that Adams destroyed and instructed others to destroy evidence and provide false information to the FBI, and that would add further factual allegations regarding his participation in a fraudulent straw donor scheme.

That is more than enough to address any perception of impropriety created by Mr. Williams’s personal conduct. The Bove memo acknowledges as much, leaving open the possibility

of refiling charges after the November 2025 New York City Mayoral Election. Nor is conditioning the dismissal on the incoming U.S. Attorney's ability to re-assess the charges consistent with either the weaponization rationale or the law concerning motions under Rule 48(a). To the contrary, keeping Adams under the threat of prosecution while the Government determines its next steps is a recognized reason for the *denial* of a Rule 48(a) motion. *See United States v. Poindexter*, 719 F. Supp. 6, 11-12 (D.D.C. 1989) (allowing Government to “to keep open the option of trying [certain] counts” would effectively keep the defendant “under public obloquy for an indefinite period of time until the government decided that, somehow, for some reason, the time had become more propitious for proceeding with a trial”).

B. Adams's Consent Will Not Aid the Department's Arguments

Mr. Bove specifies that Adams must consent in writing to dismissal without prejudice. To be sure, in the typical case, the defendant's consent makes it significantly more likely for courts to grant motions to dismiss under Rule 48(a). *See United States v. Welborn*, 849 F.2d 980, 983 (5th Cir. 1988) (“If the motion is uncontested, the court should ordinarily presume that the prosecutor is acting in good faith and dismiss the indictment without prejudice.”). But Adams's consent—which was negotiated without my office's awareness or participation—would not guarantee a successful motion, given the basic flaws in the stated rationales for dismissal. *See Nederlandsche Combinatie*, 428 F. Supp. at 116-17 (declining to “rubber stamp” dismissal because although defendant did not appear to object, “the court is vested with the responsibility of protecting the interests of the public on whose behalf the criminal action is brought”). Seeking leave of court to dismiss a properly returned indictment based on Mr. Bove's stated rationales is also likely to backfire by inviting skepticism and scrutiny from the court that will ultimately hinder the Department of Justice's interests. In particular, the court is unlikely to acquiesce in using the criminal process to control the behavior of a political figure.

A brief review of the relevant law demonstrates this point. Although the judiciary “[r]arely will . . . overrule the Executive Branch's exercise of these prosecutorial decisions,” *Blaszczak*, 56 F.4th at 238, courts, including the Second Circuit, will nonetheless inquire as to whether dismissal would be clearly contrary to the public interest. *See, e.g., id.* at 238-42 (extended discussion of contrary to public interest standard and cases applying it); *see also* JM § 9-2.050 (requiring “a written motion for leave to dismiss . . . explaining fully the reason for the request” to dismiss for cases of public interest as well as for cases involving bribery). At least one court in our district has rejected a dismissal under Rule 48(a) as contrary to the public interest, regardless of the defendant's consent. *See Nederlandsche Combinatie*, 428 F. Supp. at 116-17 (“After reviewing the entire record, the court has determined that a dismissal of the indictment against Mr. Massaut is not in the public interest. Therefore, the government's motion to dismiss as to Mr. Massaut must be and is denied.”). The assigned District Judge, the Honorable Dale E. Ho, appears likely to conduct a searching inquiry in this case. Notably, Judge Ho stressed transparency during this case, specifically explaining his strict requirements for non-public filings at the initial conference. (*See* Dkt. 31 at 48-49). And a rigorous inquiry here would be consistent with precedent and practice in this and other districts.

Nor is there any realistic possibility that Adams's consent will prevent a lengthy judicial inquiry that is detrimental to the Department's reputation, regardless of outcome. In that regard,

although the *Flynn* case may come to mind as a comparator, it is distinct in one important way. In that case, the Government moved to dismiss an indictment with the defendant's consent and faced resistance from a skeptical district judge. But in *Flynn*, the Government sought dismissal with prejudice because it had become convinced that there was insufficient evidence that General Flynn had committed any crime. That ultimately made the Government's rationale defensible, because "[i]nsufficient evidence is a quintessential justification for dismissing charges." *In re Flynn*, 961 F.3d 1215, 1221 (D.C. Cir.), *reh'g en banc granted, order vacated*, No. 20-5143, 2020 WL 4355389 (D.C. Cir. July 30, 2020), and *on reh'g en banc*, 973 F.3d 74 (D.C. Cir. 2020). Here no one in the Department has expressed any doubts as to Adams's guilt, and even in *Flynn*, the President ultimately chose to cut off the extended and embarrassing litigation over dismissal by granting a pardon.

C. I Cannot in Good Faith Request the Contemplated Dismissal

Because the law does not support a dismissal, and because I am confident that Adams has committed the crimes with which he is charged, I cannot agree to seek a dismissal driven by improper considerations. As Justice Robert Jackson explained, "the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives, he is one of the worst." The Federal Prosecutor, 24 J. Am. Jud. Soc'y 18 ("This authority has been granted by people who really wanted the right thing done—wanted crime eliminated—but also wanted the best in our American traditions preserved."). I understand my duty as a prosecutor to mean enforcing the law impartially, and that includes prosecuting a validly returned indictment regardless whether its dismissal would be politically advantageous, to the defendant or to those who appointed me. A federal prosecutor "is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all." *Berger v. United States*, 295 U.S. 78, 88 (1935).

For the reasons explained above, I do not believe there are reasonable arguments in support of a Rule 48(a) motion to dismiss a case that is well supported by the evidence and the law. I understand that Mr. Bove disagrees, and I am mindful of your recent order reiterating prosecutors' duty to make good-faith arguments in support of the Executive Branch's positions. *See* Feb. 5, 2025 Mem. "General Policy Regarding Zealous Advocacy on Behalf of the United States." But because I do not see any good-faith basis for the proposed position, I cannot make such arguments consistent with my duty of candor. N.Y.R.P.C. 3.3; *id.* cmt. 2 ("A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client's case with persuasive force. Performance of that duty while maintaining confidences of the client, however, is qualified by the advocate's duty of candor to the tribunal.").

In particular, the rationale given by Mr. Bove—an exchange between a criminal defendant and the Department of Justice akin to the Bout exchange with Russia—is, as explained above, a bargain that a prosecutor should not make. Moreover, dismissing without prejudice and with the express option of again indicting Adams in the future creates obvious ethical problems, by implicitly threatening future prosecution if Adams's cooperation with enforcing the immigration laws proves unsatisfactory to the Department. *See In re Christoff*, 690 N.E.2d 1135 (Ind. 1997) (disciplining prosecutor for threatening to renew a dormant criminal investigation against a potential candidate for public office in order to dissuade the candidate from running); Bruce A.

Green & Rebecca Roiphe, *Who Should Police Politicization of the DOJ?*, 35 Notre Dame J.L. Ethics & Pub. Pol’y 671, 681 (2021) (noting that the Arizona Supreme Court disbarred the elected chief prosecutor of Maricopa County, Arizona, and his deputy, in part, for misusing their power to advance the chief prosecutor’s partisan political interests). Finally, given the highly generalized accusations of weaponization, weighed against the strength of the evidence against Adams, a court will likely question whether that basis is pretextual. *See, e.g., United States v. Greater Blouse, Skirt & Neckwear Contractors*, 228 F. Supp. 483, 487 (S.D.N.Y. 1964) (courts “should be satisfied that the reasons advanced for the proposed dismissal are substantial and the real grounds upon which the application is based”).

I remain baffled by the rushed and superficial process by which this decision was reached, in seeming collaboration with Adams’s counsel and without my direct input on the ultimate stated rationales for dismissal. Mr. Bove admonished me to be mindful of my obligation to zealously defend the interests of the United States and to advance good-faith arguments on behalf of the Administration. I hope you share my view that soliciting and considering the concerns of the U.S. Attorney overseeing the case serves rather than hinders that goal, and that we can find time to meet.

In the event you are unwilling to meet or to reconsider the directive in light of the problems raised by Mr. Bove’s memo, I am prepared to offer my resignation. It has been, and continues to be, my honor to serve as a prosecutor in the Southern District of New York.

Very truly yours,



DANIELLE R. SASSOON
United States Attorney
Southern District of New York

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ERIC ADAMS,

Defendant.

SEALED INDICTMENT

24 Cr.

24 CRIM 556

Overview

1. In 2014, ERIC ADAMS, the defendant, became Brooklyn Borough President. Thereafter, for nearly a decade, ADAMS sought and accepted improper valuable benefits, such as luxury international travel, including from wealthy foreign businesspeople and at least one Turkish government official seeking to gain influence over him. By 2018, ADAMS—who had by then made known his plans to run for Mayor of New York City—not only accepted, but sought illegal campaign contributions to his 2021 mayoral campaign, as well as other things of value, from foreign nationals. As ADAMS’s prominence and power grew, his foreign-national benefactors sought to cash in on their corrupt relationships with him, particularly when, in 2021, it became clear that ADAMS would become New York City’s mayor. ADAMS agreed, providing favorable treatment in exchange for the illicit benefits he received. After his inauguration as Mayor of New York City, ADAMS soon began preparing for his next election, including by planning to solicit more illegal contributions and granting requests from those who supported his 2021 mayoral campaign with such donations.

2. ERIC ADAMS, the defendant, sought and accepted illegal campaign contributions in the form of “nominee” or “straw” contributions, meaning that the true contributors conveyed their money through nominal donors, who falsely certified they were contributing their own

money. By smuggling their contributions to ADAMS through U.S.-based straw donors, ADAMS's overseas contributors defeated federal laws that serve to prevent foreign influence on U.S. elections. Wealthy individuals evaded laws designed to limit their power over elected officials by restricting the amount any one person can donate to a candidate. And businesses circumvented New York City's ban on corporate contributions by funneling their donations through multiple employees, frustrating a law that seeks to reduce corporate power in politics. ADAMS increased his fundraising by accepting these concealed, illegal donations—at the cost of giving his secret patrons the undue influence over him that the law tries to prevent.

3. ERIC ADAMS, the defendant, compounded his gains from the straw contributions by using them to defraud New York City and steal public funds. New York City has a matching funds program that matches small-dollar contributions from individual City residents with up to eight times their amount in public funds, to give New Yorkers a greater voice in elections. ADAMS's campaigns applied for matching funds based on known straw donations, fraudulently obtaining as much as \$2,000 in public funds for each illegal contribution. ADAMS and those working at his direction falsely certified compliance with applicable campaign finance regulations despite ADAMS's repeated acceptance of straw donations, relying on the concealed nature of these illegal contributions to falsely portray his campaigns as law-abiding. As a result of those false certifications, ADAMS's 2021 mayoral campaign received more than \$10,000,000 in public funds.

4. ERIC ADAMS, the defendant, also sought and received other improper benefits from some of the same co-conspirators who funneled straw donations to his campaigns. In particular, a senior official in the Turkish diplomatic establishment (the "Turkish Official"), who facilitated many straw donations to ADAMS, also arranged for ADAMS and his companions to receive free or discounted travel on Turkey's national airline (the "Turkish Airline"), which is

owned in significant part by the Turkish government, to destinations including France, China, Sri Lanka, India, Hungary, and Turkey itself. The Turkish Official and other Turkish nationals further arranged for ADAMS and his companions to receive, among other things, free rooms at opulent hotels, free meals at high-end restaurants, and free luxurious entertainment while in Turkey.

5. ERIC ADAMS, the defendant, and others working at his direction, repeatedly took steps to shield his solicitation and acceptance of these benefits from public scrutiny. ADAMS did not disclose the travel benefits he had obtained in annual financial disclosures he was required to file as a New York City employee. Sometimes, ADAMS agreed to pay a nominal fee to create the appearance of having paid for travel that was in fact heavily discounted. Other times, ADAMS created and instructed others to create fake paper trails, falsely suggesting that he had paid, or planned to pay, for travel benefits that were actually free. And ADAMS deleted messages with others involved in his misconduct, including, in one instance, assuring a co-conspirator in writing that he “always” deleted her messages.

6. In September 2021, the Turkish Official told ERIC ADAMS, the defendant, that it was his turn to repay the Turkish Official, by pressuring the New York City Fire Department (“FDNY”) to facilitate the opening of a new Turkish consular building—a 36-story skyscraper—without a fire inspection, in time for a high-profile visit by Turkey’s president. At the time, the building would have failed an FDNY inspection. In exchange for free travel and other travel-related bribes in 2021 and 2022 arranged by the Turkish Official, ADAMS did as instructed. Because of ADAMS’s pressure on the FDNY, the FDNY official responsible for the FDNY’s assessment of the skyscraper’s fire safety was told that he would lose his job if he failed to acquiesce, and, after ADAMS intervened, the skyscraper opened as requested by the Turkish Official.

New York City's Public Matching Funds Program

7. The New York City Campaign Finance Board (“CFB”) oversees and administers a publicly funded campaign finance system for municipal elections in New York City, including a matching funds program (the “Matching Funds Program”) that provides eligible candidates with public funds to match small-dollar contributions from New York City residents (“Matching Funds”). The Matching Funds Program is intended to incentivize candidates to finance their campaigns by engaging with average New Yorkers, instead of seeking large contributions from a limited number of influential donors, and to empower more candidates to run for office, even without access to wealth. For mayoral candidates in the 2021 and 2025 election cycles, the Matching Funds Program operated, as relevant here, in the following manner:

a. Candidates that collected a minimum number of contributions and raised a minimum amount of qualifying contributions from New York City residents were eligible to opt into the Matching Funds Program.

b. Candidates that opted into the Matching Funds Program were required to file a signed and notarized certification attesting, among other things, that they understood that they were responsible for reading, understanding, and complying with, and ensuring their campaigns’ compliance with, various statutes and rules; that submitting fraudulent claims for Matching Funds or otherwise furnishing false information to the CFB would constitute a fundamental breach of the obligations affirmed as part of the certification; and that, in the event of such a breach, they would be ineligible to receive additional Matching Funds and would be required to return all Matching Funds previously received.

c. The Matching Funds Program would provide up to \$8 in Matching Funds for each \$1 of eligible contributions up to \$250 from New York City residents. In other words,

for each eligible contribution of at least \$250, a participating candidate could collect up to \$2,000 in Matching Funds. The Matching Funds Program would provide up to \$12,952,888 in Matching Funds for qualifying mayoral candidates during the primary and general elections in the 2021 election cycle, and up to \$14,101,334 in Matching Funds for qualifying mayoral candidates during the primary and general elections in the 2025 election cycle.

d. Certain kinds of contributions were prohibited entirely, including (i) straw contributions; (ii) contributions from a person who was not a United States citizen or a lawful permanent resident of the United States; (iii) contributions from foreign entities and organizations; (iv) contributions from corporations; and (v) contributions that were made, received, solicited, or otherwise obtained in violation of any local, state, or federal law.

e. Through its Campaign Finance Handbook, the CFB informed candidates and their campaign staff that straw contributions were not only prohibited, but also illegal.

f. Candidates that opted into the Matching Funds Program were required to regularly submit to the CFB disclosure statements that, among other things, identified all contributions received during a particular reporting period, regardless of whether those contributions were eligible for matching funds. These disclosure statements were required to be submitted electronically by either the candidate or the campaign's treasurer using a unique login. In order to submit a disclosure statement, the filer was required to (i) identify him or herself as either the candidate or the treasurer and (ii) electronically sign a verification stating, "This disclosure statement is true and correct to the best of my knowledge, information and belief and I understand that by clicking 'Verify' below I am electronically signing my disclosure statement, which shall have the same validity and effect as a signature affixed by hand."

8. ERIC ADAMS, the defendant, was aware that the law prohibited foreign, conduit, and corporate contributions. At least as early as 2018, ADAMS, began raising money to fund his first mayoral campaign (the “2021 Campaign”). In September 2019, ADAMS submitted the required certification to opt into the Matching Funds Program. During the 2021 election cycle, ADAMS and persons acting at his direction regularly submitted and signed disclosure statements attesting to the veracity of the information being provided to the CFB. ADAMS won his party’s primary election in July 2021, and was elected Mayor in November 2021. While serving as Mayor, ADAMS again opted into the Matching Funds Program and began fundraising for his 2025 reelection campaign (the “2025 Campaign,” and together with the 2021 Campaign, the “Adams Campaigns”), continuing at least to the date of this Indictment.

ADAMS Travels to Turkey and Begins Accepting Illegal Campaign Contributions and Personal Benefits

9. Within a year of becoming Brooklyn Borough President, ERIC ADAMS, the defendant, began building relationships with foreign nationals who were seeking influence with him. In the years that followed, ADAMS solicited and knowingly accepted illegal campaign contributions and improper personal benefits from those foreign nationals.

In 2015, ADAMS travels to Turkey and establishes corrupt relationships

10. In 2015, ERIC ADAMS, the defendant, took two official trips to Turkey. His first trip, in August 2015, was arranged by the Turkish Consulate General in New York City (the “Turkish Consulate”) and paid for in part by the Turkish Consulate and in part by a for-profit educational conglomerate based in Istanbul (the “Turkish University”). The second trip, in December 2015, was arranged by the Turkish Official and a Turkish entrepreneur (the “Promoter”) whose business includes organizing events to introduce Turkish corporations and businesspeople to politicians, celebrities, and others whose influence may benefit the corporations and

businesspeople. For both trips, ADAMS received free business class tickets on the Turkish Airline. Unlike ADAMS's subsequent travel with the Turkish Airline, ADAMS reported his 2015 travel to Turkey on financial disclosure forms filed with the New York City Conflict of Interest Board (the "COIB"), as he was required to do annually at all times relevant to this Indictment.

11. The 2015 travel to Turkey by ERIC ADAMS, the defendant, involved several people relevant to events described in this Indictment, including:

a. The Turkish Official, who helped arrange ADAMS's travel to and within Turkey in 2015, and who later steered illegal contributions and improper gifts to ADAMS to gain influence with and, eventually, to obtain corrupt official action from ADAMS.

b. The Promoter, who arranged straw contributions to both of the Adams Campaigns and favorable treatment in Turkey for ADAMS in 2017 and 2019, hoping to leverage ADAMS's considerable fame in Turkey to benefit the Promoter's clients.

c. The owner and chairman of the Turkish University ("Businessman-1"), who met with ADAMS in Istanbul in 2015 and again in Brooklyn, New York in 2018. Businessman-1, who was considering a business venture in Brooklyn, and also sought to enhance his own status by befriending ADAMS, later made illegal contributions to the 2021 Campaign.

d. A volunteer at Brooklyn Borough Hall (the "Adams Staffer"), who then served as ADAMS's "Liaison to Eastern Europe Muslim Countries," including Turkey. The Adams Staffer subsequently became a paid member of ADAMS's staff at Borough Hall and, later, City Hall. The Adams Staffer accompanied ADAMS on his 2015 travel to Turkey, and later, at ADAMS's direction, coordinated many of the illegal campaign contributions and improper personal travel benefits relevant to this Indictment.

e. A wealthy Turkish businesswoman (the “Businesswoman”), who later gave ADAMS multiple free or steeply discounted stays in a luxury hotel she owned, and organized contributions to the 2021 Campaign.

In 2016, ADAMS secretly begins accepting free luxury travel

12. After ERIC ADAMS, the defendant, first traveled to Turkey in 2015, the Turkish Official introduced ADAMS to the Turkish Airline’s general manager in the New York City area (the “Airline Manager”). In 2016 and twice in 2017, ADAMS solicited and accepted free and heavily discounted luxury air travel from the Turkish Airline, as part of the Turkish Official’s efforts to gain influence over ADAMS, on three separate trips:

a. In October 2016, ADAMS and his domestic partner (“Adams’s Partner”) traveled to India. Adams’s Partner purchased economy class tickets for herself and ADAMS on the Turkish Airline for approximately \$2,286. Two days before their flight was scheduled to depart, ADAMS accepted upgrades for himself and his partner by the Turkish Airline to business class at no cost. Business class is the highest class offered by the Turkish Airline. Had ADAMS and his partner purchased their business class tickets, the tickets would have cost approximately \$15,000 total.

b. In July and August 2017, ADAMS, a close relative of ADAMS (the “Adams Relative”), and a member of ADAMS’s staff who has served as ADAMS’s liaison to the Asian-American communities in New York City (the “Adams Liaison”) traveled to Nice, France; Istanbul, Turkey; Columbo, Sri Lanka; and Beijing, China. ADAMS accepted free business class tickets from the Turkish Airline, worth more than \$35,000 total, for himself and his companions.

c. In October 2017, ADAMS and the Adams Liaison traveled to Nepal through Istanbul and Beijing. ADAMS accepted free business class tickets from the Turkish Airline for

himself and the Adams Liaison for the flights from New York to Istanbul and Istanbul to Beijing, and for the corresponding return flights, worth more than \$16,000 total.

13. Because the Turkish Airline provided free travel benefits worth tens of thousands of dollars to ERIC ADAMS, the defendant, he flew the Turkish Airline even when doing so was otherwise inconvenient. For example, during the July and August 2017 trip, Adams's Partner was surprised to learn that ADAMS was in Turkey when she had understood him to be flying from New York to France. ADAMS responded, in a text message, "Transferring here. You know first stop is always instanbul [sic]." When Adams's Partner later inquired about planning a trip to Easter Island, Chile, ADAMS repeatedly asked her whether the Turkish Airline could be used for their flights, requiring her to call the Turkish Airline to confirm that they did not have routes between New York and Chile.

14. ERIC ADAMS, the defendant, also accepted valuable travel and hospitality benefits for himself and his companions during their time in Turkey. For example, during a stay in Istanbul during the July and August 2017 trip, ADAMS, the Adams Relative, and the Adams Liaison accepted a heavily discounted stay at the St. Regis Istanbul, arranged by the Promoter. The St. Regis Istanbul is owned by the Businesswoman, who sought to ingratiate herself with ADAMS. ADAMS stayed in the "Bentley Suite," portions of which are depicted here:



Bentley Suite Bedroom



Bentley Suite Bathroom

Although booking the Bentley Suite for two nights would have cost approximately \$7,000, ADAMS paid a total of less than \$600.

15. In order to conceal the valuable flight, hotel, and other travel benefits that ERIC ADAMS, the defendant, accepted from foreign nationals seeking influence over him, he did not disclose any of these trips on his annual disclosure forms, despite a legal requirement to do so.

a. By law, certain New York City elected officials and candidates for elected office are required to file annual reports with the COIB disclosing their financial information and outside positions and interests, as well as those of their spouses or domestic partners and unemancipated children. The purpose of the annual disclosure law is to provide transparency to ensure that there are no prohibited conflicts of interest between public servants' official duties and their private interests.

b. At all times relevant to this Indictment, ADAMS was an elected New York City official required to file annual disclosure forms with the COIB.

c. On his 2016 and 2017 COIB Annual Disclosure Forms, ADAMS was asked whether he had received "any gift or gifts from the same person, entity or donor or affiliated donors who had no business dealings with the City, other than a relative, in the total amount or with a total value of \$1,000 or more during" the year. ADAMS answered "no." ADAMS also answered "no" to a similar question asking whether he had received any gifts worth \$50 or more from "a person, entity, donor, or affiliated donors" who did have business with New York City.

d. The valuable travel benefits ADAMS solicited and accepted—including the free business class upgrade for two for travel from New York to India; the free business class tickets for three from New York to France, Turkey, Sri Lanka, and China; the heavily discounted stay in the Bentley Suite; and the free business class tickets for two from New York to China through Turkey—for each of the 2016 and 2017 trips described in paragraphs 12 through 14 each

exceed \$1,000 in value, as would be obvious to anyone who, like ADAMS, had extensive experience traveling overseas.

16. ERIC ADAMS, the defendant, also sought to conceal the luxury travel benefits he solicited and accepted from foreign nationals by creating fake paper trails, which members of ADAMS's staff assisted in at his direction. For example, ADAMS attempted to create a fake paper trail suggesting he had paid for his 2017 flights on the Turkish Airline, when in fact he had not.

a. As Brooklyn Borough President, ADAMS employed a scheduler (the "Adams Scheduler") who managed his appointments, meetings, and other official events. Despite her status as a New York City employee, the Adams Scheduler was used by ADAMS to perform personal tasks for him, such as collecting rent at a Brooklyn property he owned. ADAMS also assigned the Adams Scheduler to pay various personal expenses for him, after which ADAMS would reimburse the Adams Scheduler in cash.

b. In 2017, ADAMS sent a series of emails to the Adams Scheduler, directing the Adams Scheduler to pay for the free 2017 flights he and his companions had already taken on the Turkish Airline. But the emails provided inconsistent explanations: in some, ADAMS suggested that the Adams Scheduler should pay by using ADAMS's credit card, while in others, ADAMS claimed to have left cash in an envelope for the Adams Scheduler to send to the Turkish Airline.

c. For example, on November 25, 2017, ADAMS sent an email to the Adams Scheduler saying that with respect to the "July trip," meaning the July and August 2017 trip on the Turkish Airline, "I left you the money for the international airline in an envelope in your top desk draw. [sic] Please send it to them." Given the cost of the international business class tickets for ADAMS alone, ADAMS's email suggested that he left, at a minimum, well over \$10,000 in cash

in the Adams Scheduler's desk drawer to "send" to the Turkish Airline as payment for flights taken months earlier. He did not do that, as records from the Turkish Airline confirm that ADAMS did not pay the airline, in cash or otherwise, because the tickets were complimentary.

17. In return for travel benefits the Turkish Official provided or arranged in or about 2015 and 2016, ERIC ADAMS, the defendant, granted a political request from the Turkish Official. Prior to ADAMS's 2015 travel to Turkey—which ADAMS knew, and disclosed to the COIB, had been funded by, among other entities, the Turkish Consulate, the Turkish Airline, and three separate municipalities in Turkey—ADAMS had maintained a relationship with a Turkish community center in Brooklyn (the "Community Center"). In or about 2016, the Turkish Official told ADAMS that the Community Center was affiliated with a Turkish political movement that was hostile to Turkey's government, and that if ADAMS wished to continue receiving support from the Turkish government, ADAMS could no longer associate with the Community Center. ADAMS acquiesced.

ADAMS begins accepting straw contributions and continues to receive luxury travel benefits

18. By 2018, ERIC ADAMS, the defendant, began raising funds for the 2021 Campaign. ADAMS was closely involved in the details of fundraising, which he regarded as vital to his success. As he texted a close supporter later in the campaign: "You win the race by raising money Have to raise money. Everything else is fluff." ADAMS further explained, "I have a 7 million dollar race. I have a clear plan to raise it and each night we are out executing the plan." Throughout the 2021 Campaign, ADAMS solicited and knowingly accepted straw donations, including from foreign sources, while continuing to secretly accept free and heavily discounted travel benefits from the Turkish Official, the Promoter, and the Airline Manager.

19. As part of these efforts, ERIC ADAMS, the defendant, solicited and knowingly accepted straw donations to the 2021 Campaign that were facilitated by the Turkish Official and the Airline Manager, among others.

a. Beginning at least as early as April 2018, ADAMS asked the Airline Manager to fundraise for the 2021 Campaign, and the Airline Manager sought to organize a fundraiser.

b. On June 14, 2018, the Turkish Official exchanged messages with the Adams Staffer, asking “how much can companies donate?”¹ The Adams Staffer explained that only individuals could donate to the 2021 Campaign.

c. On June 22, 2018, ADAMS attended a fundraiser for the 2021 Campaign. The Airline Manager, among others, organized and attended the event. Following the event, the Turkish Official messaged the Adams Staffer, asking for the “list of the participants of the June 22 meeting.” The Adams Staffer then sent the Turkish Official “The list for 6/22/18,” which included the names of various persons who donated to the 2021 Campaign in the preceding days or who donated in the following days, raising in excess of \$15,000.

d. A promotional flyer for the June 22, 2018 fundraiser listed as one of the fundraiser’s hosts a friend of the Airline Manager who owned an airport transportation business (“Businessman-2”). In a series of messages exchanged with the Adams Staffer, Businessman-2 stated that he had facilitated a straw donation through an associate. Records from the CFB show that the associate ultimately donated \$3,000 in his own name and described himself as unemployed.

¹ Many of the conversations quoted in this Indictment, including this conversation between the Adams Staffer and the Turkish Official, were held in a language other than English.

20. ERIC ADAMS, the defendant, also sought to arrange for his campaigns to receive unlawful contributions from Turkish nationals, which would be routed through U.S.-based straw donors.

a. On June 22, 2018—the same day as the fundraising event just described—the Adams Staffer and the Promoter discussed by text message a possible trip by ADAMS to Turkey. The Promoter stated, in part, “Fund Raising in Turkey is not legal, but I think I can raise money for your campaign off the record.” The Adams Staffer inquired, “How will [ADAMS] declare that money here?” The Promoter responded, “He won’t declare it . . . Or . . . We’ll make the donation through an American citizen in the U.S. . . . A Turk . . . I’ll give cash to him in Turkey . . . Or I’ll send it to an American . . . He will make a donation to you.” The Adams Staffer replied, “I think he wouldn’t get involved in such games. They might cause a big stink later on,” but “I’ll ask anyways.” The Adams Staffer then asked, “how much do you think would come from you? \$?” The Promoter responded, “Max \$100K.” The Adams Staffer wrote, “100K? Do you have a chance to transfer that here? . . . We can’t do it while Eric is in Turkey,” to which the Promoter replied, “Let’s think.” After this conversation, the Adams Staffer asked ADAMS whether the Adams Staffer should pursue the unlawful foreign contributions offered by the Promoter, and contrary to the Adams Staffer’s expectations, ADAMS directed that the Adams Staffer pursue the Promoter’s illegal scheme.

b. In November 2018, Businessman-1—the wealthy Turkish national who owned the Turkish University, a for-profit educational conglomerate in Turkey, and whom ADAMS met there in 2015—visited New York City. ADAMS and the Adams Staffer met with Businessman-1 at Brooklyn Borough Hall. At the close of the meeting, Businessman-1 offered to contribute funds to the 2021 Campaign. Although ADAMS knew that Businessman-1 was a

Turkish national who could not lawfully contribute to U.S. elections, ADAMS directed the Adams Staffer to obtain the illegal contributions offered by Businessman-1. Following up on this directive, ADAMS wrote to the Adams Staffer that Businessman-1 “is ready to help. I don’t want his willing to help be waisted [sic].” As ADAMS directed, the Adams Staffer maintained contact with Businessman-1 through intermediaries, culminating in ADAMS accepting straw donations of Businessman-1’s money, discussed below.

21. In 2018, ERIC ADAMS, the defendant, also continued to secretly solicit and accept free and heavily discounted luxury travel benefits provided by the Turkish Official and the Airline Manager. In January 2018, ADAMS and Adams’s Partner traveled to Budapest, Hungary, through Istanbul. Several months earlier, Adams’s Partner had purchased two economy class tickets on the Turkish Airline for approximately \$560 each. In December 2017, the Adams Staffer, acting at ADAMS’s direction, asked the Airline Manager to upgrade the tickets to business class, which he did for free. Had ADAMS and Adams’s Partner purchased their business class tickets, the tickets would have cost more than \$14,000 total. Consistent with his prior actions, ADAMS concealed this free and heavily discounted travel the Turkish Airline provided by omitting it from his 2018 COIB disclosure form, despite the requirement to report it.

As the 2021 Mayoral Election Approaches, ADAMS Continues to Solicit and Accept Illegal Campaign Contributions

In 2019, ADAMS travels to Istanbul and solicits foreign contributions

22. In January 2019, ERIC ADAMS, the defendant, and Adams’s Partner traveled to Turkey, Jordan, and Oman with the assistance of the Promoter. Because ADAMS made his travel arrangements through the Promoter and not through the Airline Manager, the Airline Manager did not upgrade ADAMS’s economy class tickets on the Turkish Airline, instead arranging a full upgrade only for Adams’s Partner. Had Adams’s Partner purchased her business class ticket, it

would have cost at least approximately \$7,000. In an effort to monopolize flight travel as a method of gaining influence with ADAMS, the Airline Manager observed that difficulty arose in upgrading ADAMS because the arrangements had been made through others. When exchanging messages about another potential trip later in 2019, the Adams Staffer requested an upgrade for ADAMS from the Airline Manager and explained, in part, that “He learned his lesson last time. We’re writing directly to you this time.” After the 2019 trip, ADAMS exclusively arranged his flights on the Turkish Airline through the Airline Manager, allowing the Airline Manager, the Turkish Official, and the Turkish government to increase their influence over ADAMS.

23. During his 2019 trip, ERIC ADAMS, the defendant, solicited and accepted travel benefits from the Promoter—the Turkish entrepreneur who, as described above, facilitated ADAMS’s second 2015 trip to Turkey and in 2018 proposed to ADAMS via the Adams Staffer raising campaign contributions illegally in Turkey. Specifically, ADAMS solicited and accepted free hotel stays, dinners, and a boat trip, among other things, from the Promoter, including a free two-night stay in the Cosmopolitan Suite of the St. Regis Istanbul, depicted below:



Cosmopolitan Suite Living Room



Cosmopolitan Suite Bedroom

Had ADAMS paid for a two-day stay in this luxury suite, the cost would have been approximately \$3,000 total. ADAMS also solicited and accepted from the Promoter free transportation, meals, and entertainment, including a car and driver, a boat tour to the Princes' Islands in the Sea of Marmara, a Turkish bath at a seaside hotel, and at least one meal at a high-end restaurant.

24. ERIC ADAMS, the defendant, did not report any of the free travel benefits he received during his 2019 stay in Istanbul on his 2019 COIB disclosure form.

25. ERIC ADAMS, the defendant, also solicited unlawful foreign campaign contributions while in Istanbul in January 2019. During ADAMS's trip, the Promoter arranged for ADAMS to meet a wealthy Turkish businessman ("Businessman-3"). The Turkish Official, through the Adams Staffer, discouraged ADAMS from meeting Businessman-3, who was then under suspicion of wrongdoing. ADAMS did so nonetheless. During their meeting, ADAMS and the Promoter solicited campaign contributions from Businessman-3, who as a Turkish national could not lawfully contribute to any U.S. campaign. During the meeting, Businessman-3 agreed

to contribute \$50,000 or more to the 2021 Campaign, believing that ADAMS might one day be the President of the United States and hoping to gain influence with ADAMS. In subsequent messages, the Promoter and the Adams Staffer discussed how to funnel Businessman-3's planned contributions to the 2021 Campaign through U.S. straw donors. Before any of the discussed straw donations could occur, however, Businessman-3's legal troubles in Turkey and the United States became more public. ADAMS declined to meet with Businessman-3 when Businessman-3 later visited New York, and Businessman-3 did not ultimately contribute to the 2021 Campaign.

26. Businessman-3 was not the only wealthy Turkish national from whom ERIC ADAMS, the defendant, sought illegal campaign contributions. Also in January 2019, ADAMS continued to seek the illegal foreign contributions promised by Businessman-1 (the Turkish national who owned the Turkish University), telling the Adams Staffer in a text message to confirm Businessman-1's continued willingness to support the 2021 Campaign.

27. ERIC ADAMS, the defendant, continued to conceal the benefits he received from foreign nationals seeking to gain influence over him. ADAMS did not report any of the 2019 gifts he received from the Airline Manager or the Promoter on his annual disclosure form. In addition, in March 2019, while exchanging text messages to plan another possible trip to Turkey in which the Airline Manager would arrange travel for ADAMS, the Adams Staffer texted ADAMS, "To be o[n the] safe side Please Delete all messages you send me." ADAMS responded, "Always do."

In December 2020, ADAMS solicits and accepts straw contributions from a New York construction company

28. In 2020, ERIC ADAMS, the defendant, solicited and received straw donations from a businessman who operated a construction company in the New York City area ("Businessman-4"). Although Businessman-4 was not part of New York's Turkish community, his contributions were sought and made for similar reasons to the many Turkish nationals and

Turkish Americans whom the Turkish Official and the Promoter induced to make illegal contributions to the 2021 Campaign: Businessman-4 was a prominent member of a different ethnic community in New York City, and he was told by ADAMS's representatives that straw contributions would increase Businessman-4's influence, and the standing of his community, with ADAMS.

a. In December 2020, two volunteers for the 2021 Campaign who later became employees of ADAMS at City Hall ("Adams Employee-1" and "Adams Employee-2", and together, the "Adams Employees") asked Businessman-4 to contribute \$10,000 to the 2021 Campaign. The Adams Employees were liaisons to Businessman-4's community, playing roles similar to the Adams Staffer's role in the Turkish community. The Adams Employees told Businessman-4, among other things, that donating \$10,000 would give Businessman-4 influence with ADAMS, which would help Businessman-4's business interests and his community when ADAMS became mayor, and that gaining such influence with ADAMS would be more expensive at a later date.

b. Businessman-4 agreed to contribute and offered to write a \$10,000 check from his company's bank account. The Adams Employees informed Businessman-4 that he could not donate through his corporate bank account.

c. Businessman-4 then offered to write a \$10,000 check from his personal bank account. The Adams Employees informed Businessman-4 that he could not donate more than \$2,000. The Adams Employees then explained that Businessman-4 should instead direct his employees to contribute to the 2021 Campaign and then reimburse the employees.

d. Businessman-4 followed the Adams Employees' directions. Businessman-4 personally contributed \$2,000 to the 2021 Campaign and reimbursed four of his

employees for their \$2,000 contributions to the 2021 Campaign. Businessman-4 and his employees made these contributions at a fundraiser that ADAMS personally attended, which was held at Businessman-4's offices.

e. The 2021 Campaign requested, and received, Matching Funds for these straw donations.

f. After ADAMS was elected mayor, Businessman-4 sought to benefit from the influence with ADAMS that the Adams Employees assured Businessman-4 would result from the straw contributions. Among other things, Businessman-4 sought assistance from ADAMS and the Adams Employees with arranging events celebrating the national heritage of Businessman-4's ethnic community, and ADAMS and the Adams Employees worked with Businessman-4 to arrange such events with City sponsorship.

g. Businessman-4 also sought and received assistance resolving issues with the New York City Department of Buildings ("DOB"), including from ADAMS himself. On February 5, 2023, Businessman-4 sent a text message to ADAMS saying, among other things, "I always supported you," but that Businessman-4 was "having a hard time with DOB" getting a stop-work order lifted, and that although ADAMS's staff had assisted, "we reached a certain limit that only you can lift." ADAMS responded, "Let me look into this." Approximately a week and a half later, Businessman-4 replied to ADAMS "Mayor, brother I want to thank you for your help. DOB issue partially resolved and they promised to expedite the process. Thank you, you have my continued support."

In May 2021, ADAMS receives straw contributions from another New York construction company, as arranged by the Turkish Official

29. ERIC ADAMS, the defendant, accepted support from the Turkish Official throughout the 2021 Campaign, and the Turkish Official repeatedly informed ADAMS that he was

providing such support. When a fundraising effort organized or facilitated by the Turkish Official failed to raise the amount of funds that the Turkish Official had promised ADAMS, the Turkish Official told ADAMS and the Adams Staffer that he would “close the gap” by obtaining sufficient funds from other sources to reach the promised amount.

30. In May 2021, ERIC ADAMS, the defendant, sought and accepted straw donations from another businessman (“Businessman-5”) who operated another construction company in the New York City area. Businessman-5 is a prominent member of New York City’s Turkish community and made these donations at the behest of the Turkish Official.

a. In January 2021, the Turkish Official messaged the Adams Staffer, asking for a meeting with ADAMS. The Turkish Official and the Adams Staffer then exchanged the following messages:

Adams Staffer:	What will the topic be?
Turkish Official:	The election that’s what
Adams Staffer:	okay
Turkish Official:	Nov 2nd 2021 [the date of the 2021 mayoral election]
Adams Staffer:	His favorite topic
Turkish Official:	Turkish community support to him What can we do, let’s talk
Adams Staffer:	okay

b. ADAMS, the Turkish Official, the Airline Manager, the Adams Staffer, and the lead fundraiser for the 2021 Campaign (the “Adams Fundraiser”) met at a restaurant for dinner on February 14, 2021. At the dinner, the Turkish Official committed to “support” the 2021 Campaign.

c. The Turkish Official then organized a larger dinner to plan specific donations to the 2021 Campaign. Businessman-5, the Turkish Official, ADAMS, the Adams Fundraiser, and the Adams Staffer attended that dinner, which occurred on April 2, 2021. At the dinner, ADAMS explained the Matching Funds Program and solicited contributions from Businessman-5. The Turkish Official told ADAMS, “we are supporting you.”

d. After the April 2, 2021 dinner, Businessman-5 worked with the Turkish Official, the Adams Fundraiser, and the Adams Staffer, among others, to plan a fundraiser for ADAMS. Businessman-5 attempted to recruit others in the construction industry and the Turkish community, writing, in part, this “may feel like swimming against the current but unfortunately this is how things work in this country.” The day before the scheduled fundraiser, the Turkish Official sent Businessman-5 at least one check, and Businessman-5 sent the Turkish Official a message confirming that “As of now, the checks that reached us are 17,000.”

e. On May 7, 2021, Businessman-5 held a fundraiser for the 2021 Campaign at his construction company’s offices. ADAMS, Businessman-5, the Adams Fundraiser, and the Adams Staffer attended. The Turkish Official did not attend but sent his driver to deliver several additional contribution checks. Prior to the fundraiser, Businessman-5’s construction company, at the direction of Businessman-5, had provided \$1,250 per employee to ten of its employees. Each of those employees then contributed that amount to the 2021 Campaign, with the exception of one employee who donated in his wife’s name, and another who donated \$1,200 of the funds. The Adams Staffer sent the Turkish Official a list of the contributions collected at the fundraiser.

f. Following the fundraiser, the Turkish Official sent Businessman-5 a message asking, “how much is the total?” to which Businessman-5 replied, “I think I got to 22[.] He just left[.] The girls, [ADAMS’s] assistants, were very happy[.]” The Turkish Official

subsequently asked the Adams Staffer to tell ADAMS, “we will continue supporting you,” which the Adams Staffer did.

g. The 2021 Campaign requested Matching Funds for eight of these straw donations that were made in the names of New York City residents, fraudulently obtaining public funds to which the campaign was not entitled.

In September 2021, ADAMS accepts straw contributions from a Turkish national

31. In 2021, Businessman-1—the Turkish national who owned the Turkish University, as described above—attempted to make good on his earlier commitments to contribute to ERIC ADAMS, the defendant. ADAMS and Businessman-1 used the Promoter and the Adams Staffer, among others, to devise and execute a plan to funnel Businessman-1’s money to the 2021 Campaign, knowing full well that these donations would violate the law against U.S. political campaigns receiving contributions from foreign nationals.

a. On July 9, 2021, the Adams Staffer exchanged messages with ADAMS about raising funds from the Turkish University, among other sources. ADAMS explained that he was “Not doing [an] in person fundraiser for less than \$25K.”

b. On July 11, 2021, the Adams Staffer asked the Promoter how much would be donated, explaining in a message that she needed to “tell [ADAMS] a net number.” When the Promoter estimated between \$35,000 and \$50,000, the Adams Staffer replied that the Promoter earlier “had mentioned 200K.” When the Promoter explained that the requisite number of straw donors could not be gathered, the Adams Staffer offered to help with that aspect of the scheme. The Promoter responded, “Hmmm then great,” and when the Adams Staffer then wrote “From what I gathered you’ll distribute the money,” the Promoter responded “Yes.” The Adams Staffer later told ADAMS that the estimated total amount of the foreign donations would be \$45,000.

c. In August 2021, the Promoter, the Adams Staffer, and the president of the Turkish University's American campus (the "University President") exchanged messages and voice notes explicitly discussing the plan to funnel Businessman-1's contribution to the 2021 Campaign through the Turkish University's U.S.-based employees. The Promoter assured the Adams Staffer that those employees are "[U.S.] citizens and green card holders." The Adams Staffer told ADAMS about the plan to funnel Businessman-1's contribution through U.S.-based straw donors, and ADAMS approved the plan, knowing that Businessman-1 was a Turkish citizen.

d. On August 27, 2021, the University President messaged the Adams Staffer that the Turkish University would donate \$20,000 to the 2021 Campaign by "dividing it amongst our employees in appropriate amounts." The Adams Staffer responded that "if the donation is not more than \$25K, then Mr. President"—referring to ADAMS, who was then Brooklyn Borough President—"does not participate in person." The University President then informed the Adams Staffer that in addition to the Turkish University's contribution, others would donate to reach the \$25,000 threshold.

e. On August 27, 2021, the University President informed the Adams Staffer that the Turkish University would donate only \$10,000. Because that meant that ADAMS would no longer appear at an in-person event, the Adams Staffer asked the Adams Fundraiser to create an internet link through which the Turkish University's straw donors could contribute. In a series of messages with ADAMS and the Adams Staffer, the Adams Fundraiser sent the link to the Adams Staffer. To remind the Adams Staffer of the mechanics of the plan they had discussed—that the foreign donations would be concealed by routing them through U.S.-based straw donors who could lawfully contribute in their own names—ADAMS wrote to the Adams Staffer and the Adams Fundraiser, "We can't take any money from people who are not US citizens." The Adams

Staffer inquired, “What about green card holders?” The Adams Fundraiser responded, “Yes we can,” confirming that the Promoter’s plan to use green card holders as straw donors would work.

f. The Turkish University ultimately made its straw contributions on September 27, 2021, when three U.S.-based employees of the Turkish University made \$2,000 contributions to the 2021 Campaign and were then reimbursed, as directed by Businessman-1 and the University President. The University President and another U.S.-based employee of the Turkish University each also made \$2,000 contributions from their own funds. The contributions occurred during a period when the 2021 Campaign had begun to wind down fundraising and were ultimately refunded by the campaign, but not before ADAMS submitted a disclosure statement to the CFB that falsely claimed the U.S.-based Turkish University employees were the true donors.

g. On November 2, 2021, ADAMS was declared the winner of the 2021 mayoral election. The next day, Businessman-1 and the Promoter exchanged the following messages:

Promoter:	Good morning The president is our brother from now on, sir.
Businessman-1:	Good morning
Promoter:	May it be auspicious for all of us. We messaged each other.
Businessman-1:	Are the elections over?
Promoter:	It was yesterday, sir Everyone messaged me that he was elected. Congratulations messages He is most likely going to assign me as a representative, sir. I’m going to go and talk to our elders in Ankara about how we can turn this into an advantage for our country's lobby.
Businessman-1:	That would be nice

h. The Promoter also celebrated ADAMS's prospects with additional people, telling others—including ADAMS himself—that ADAMS would soon be President of the United States. Similarly, the Turkish Official wrote to the Adams Staffer that given ADAMS's increasing prominence, "at this point," the Foreign Minister of Turkey "is personally paying attention to him" and ADAMS "should not bother with" his other Turkish benefactors.

32. All told, the 2021 Campaign reaped over \$10 million in Matching Funds based on the false certifications that the campaign complied with the law, when in fact ERIC ADAMS, the defendant, knowingly and repeatedly relied on illegal contributions.

In 2021, ADAMS Accepts Bribes From the Turkish Official and Intervenes on the Turkish Official's Behalf with the Fire Prevention Chief

33. In 2021, ERIC ADAMS, the defendant, intervened with the FDNY to permit the Turkish Consulate to occupy a skyscraper that had not passed a fire safety inspection, in exchange for, among other things, luxury travel benefits provided by the Turkish Official and the Airline Manager.

34. In late June 2021, ERIC ADAMS, the defendant, sought luxury travel to Turkey arranged by the Turkish Official and the Airline Manager. When the Adams Staffer began coordinating this travel for ADAMS, at ADAMS's direction, ADAMS again attempted to create a false record suggesting that he would pay his own way, when, in fact, ADAMS had the Adams Staffer coordinate with the Airline Manager to provide ADAMS with free and steeply discounted travel benefits. ADAMS approved the itinerary, and, to create the false impression of payment, the Turkish Official, ADAMS, and the Adams Staffer agreed that ADAMS would collect invoices from vendors in Turkey regardless of whether he actually paid and would make some small credit card payments to conceal the fact that he was taking a vacation that was mostly paid for by the Turkish government.

a. On June 22, 2021, ADAMS, through the Adams Staffer, requested that the Airline Manager book flights to Istanbul for ADAMS. In order to conceal the favorable treatment, the Adams Staffer requested that the Airline Manager charge ADAMS what would appear to be a “real” price:

Adams Staffer: How much does he owe?
Please, let them call me and I will make the payment.

Airline Manager: It is very expensive because it is last minute. I am working on a discount

Adams Staffer: Okay.
Thank you.

...

Airline Manager: I am going to charge \$50

Adams Staffer: No

Airline Manager: That would work wouldn't it

Adams Staffer: No, dear. \$50? What?
Quote a proper price.

Airline Manager: How much should I charge? :)

Adams Staffer: His every step is being watched right now
\$1,000 or so
Let it be somewhat real.
We don't want them to say he is flying for free.
At the moment, the media's attention is on Eric.

ADAMS paid approximately \$1,100 each for roundtrip economy tickets on the Turkish Airline for himself and Adams's Partner, which were immediately upgraded to business class at no cost. Had ADAMS purchased business class tickets on the open market, they would have cost more than \$15,000 total.

b. At ADAMS's direction, the Adams Staffer also coordinated luxury lodging for ADAMS and Adams's Partner, which would be secretly provided at no cost to ADAMS, as the Adams Staffer and the Airline Manager discussed:

Adams Staffer: He is also asking where else they can go in Turkey
Do you have a recommendation?

Airline Manager: Four Seasons

Adams Staffer: It's too expensive

Airline Manager: Why does he care?
He is not going to pay
His name
will not be on anything
either

Adams Staffer: Super

c. The Turkish Official also arranged an itinerary for ADAMS and Adams's Partner in Turkey, which, in addition to the stay at the Four Seasons, would include a yacht tour, a three-day stay at a luxury beach resort, and a car and driver, as well as a domestic flight between Istanbul and the resort. The Adams Staffer forwarded details of this itinerary to ADAMS. To assist ADAMS in concealing the nature and extent of the travel benefits he was soliciting and accepting, the Turkish Official suggested a nominal price of approximately \$720, although the true price of this itinerary would in fact have been approximately \$8,500 or more. ADAMS approved the itinerary and the nominal price.

d. On June 26, 2021 (the same day the trip was supposed to start), the Adams Staffer informed the Turkish Official and the Airline Manager that ADAMS was cancelling his trip. The Turkish Airline refunded ADAMS's payment for economy class tickets—the only payment ADAMS had made for the late June 2021 trip to Istanbul.

35. At around the time of this cancellation, ERIC ADAMS, the defendant, solicited various travel benefits for the Adams Fundraiser—the 2021 Campaign’s chief fundraiser who, as noted above, helped coordinate the straw contributions from Businessman-5’s construction company one month earlier in May 2021—from the Turkish Official and the Airline Manager. Continuing their efforts to influence ADAMS, the Turkish Official and the Airline Manager ultimately provided the Adams Fundraiser with transportation from the airport, a free hotel, and free use of a VIP room in the Turkish Airline’s business class lounge.

a. On June 27, 2021, when the Adams Fundraiser was scheduled to travel to Istanbul, ADAMS created a message thread between himself, the Adams Fundraiser, and the Turkish Official. ADAMS informed the Turkish Official that the Adams Fundraiser would be arriving in Istanbul shortly and needed transportation from the airport and a hotel, which the Turkish Official promptly arranged. When ADAMS suggested that ADAMS would pay for the Adams Fundraiser’s expenses, the Turkish Official told ADAMS, “Eric no prob, it was set through Turkish Hospitality Services. I hope she enjoyed her stay.” ADAMS responded, “It was amazing. Thanks for all the coordination and attention.” In the same message thread with ADAMS, the Turkish Official also provided the Adams Fundraiser with a fake bill for the hotel stay, to allow ADAMS and the Adams Fundraiser to create the appearance that the Adams Fundraiser had paid for her hotel stay, when in fact, as ADAMS knew, she had not.

b. On the day the Adams Fundraiser was scheduled to depart Istanbul, ADAMS created a message thread between himself, the Adams Fundraiser, and the Airline Manager. ADAMS wrote, “[Adams Fundraiser] this is [the Airline Manager]. 1. He will try to help the issue with the form[.] 2. He can see about a hotel or the business class lounge.” The Airline Manager then arranged for the Adams Fundraiser—who was otherwise flying on an

economy ticket—to have access not only to the Turkish Airline’s business lounge, but also to an exclusive private suite inside the lounge, complete with a bed and free food. The Airline Manager explained, “This is our suite for our VIPs [a]nd we want you to feel your self [sic] Vip :) .” At another point in this exchange, ADAMS wrote, “Thanks a million [Airline Manager]. My Brother,” to which the Airline Manager responded, “Anytime brother.”

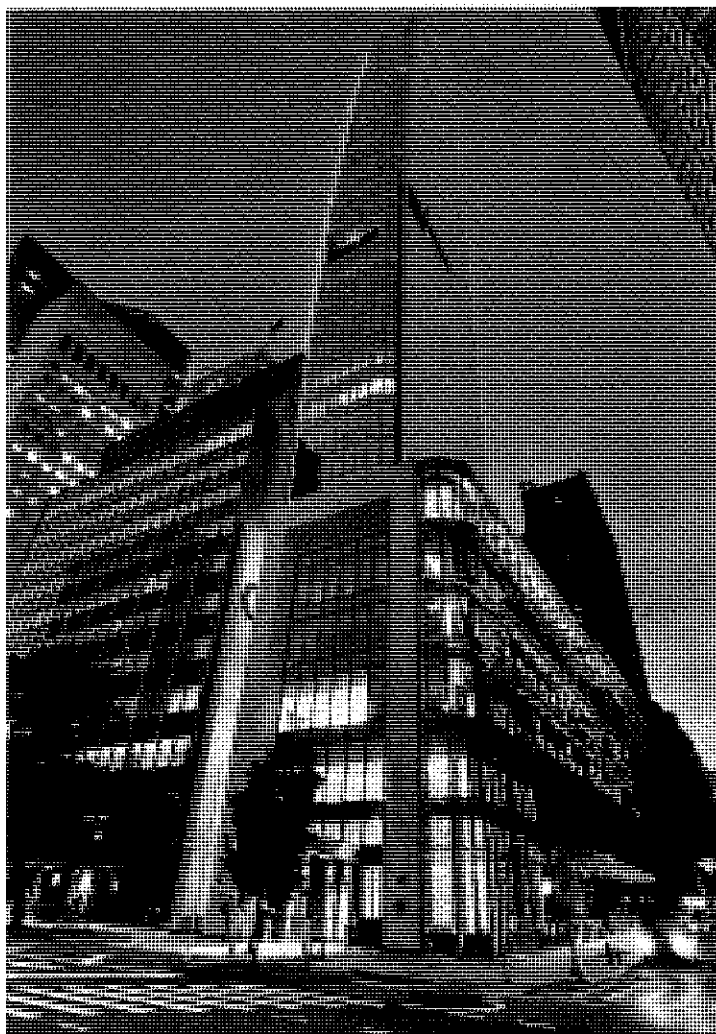
36. ERIC ADAMS, the defendant, and the Turkish Official understood that in exchange for the benefits described in paragraphs 34 and 35, and future travel benefits for ADAMS, ADAMS was expected to assist the Turkish Official in the operation of the Turkish Consulate in New York.

37. On July 6, 2021, ERIC ADAMS, the defendant, declared victory in his party’s mayoral primary. On the morning of July 7, 2021, the Airline Manager sent ADAMS the following text message: “Brother congratulations.” ADAMS responded, “Cannot thank you enough.”

38. In September 2021, ERIC ADAMS, the defendant, agreed to pressure a New York City agency to help the Turkish Consulate secure a temporary certificate of occupancy (“TCO”) for a building it owned and operated.

a. As Brooklyn Borough President, ADAMS had authority under the New York City Charter to affect the administration of City services within his Borough, such as those provided by the FDNY and other city agencies, including through: holding public hearings; introducing legislation before the City Council; overseeing the coordination of a borough-wide public service complaint program; and consulting with the Mayor of the City of New York on the executive capital budget and other budget recommendations. In addition to, or in the course of, the performance of these duties, as Brooklyn Borough President, ADAMS met with members of the FDNY from time to time.

b. In 2017, construction began on a 36-story building located at 821 United Nations Plaza, New York, New York, and referred to as the Turkish House or Turkevi Center (the “Turkish House”). The Turkish House was designed to serve as, and now serves as, the headquarters of multiple Turkish diplomatic missions, including the Turkish Consulate. The cost of the Turkish House was significant and was a topic of political debate in Turkey.



The Turkish House

c. The Turkish Consulate planned to open the Turkish House on September 20, 2021, so that Turkey’s President could formally open the building during his visit for that year’s opening of the United Nations General Assembly. Ensuring the Turkish House

opened on schedule was a priority for the Turkish Official, who was at this time Turkey's Consul General in New York.

d. As of August 31, 2021, construction on the Turkish House was complete, but the DOB had not yet issued a TCO for the building. Without a TCO, the Turkish House could not open during the Turkish President's impending visit.

e. The DOB had not issued a TCO because the FDNY had not yet conducted an inspection and issued what the FDNY refers to as a "letter of defect," which was a prerequisite to the issuance of a TCO for the Turkish House. Issuing a letter of defect is a regular FDNY procedure which, in substance, identifies remaining defects in a building's fire safety systems, but also serves to signal that the defects are sufficiently limited that the building can be safely occupied.

f. From on or about August 31, 2021, through on or about September 9, 2021, various New York City officials and employees, among others, sought to help the Turkish Official obtain a TCO for the Turkish House by lobbying the chief of the FDNY's Bureau of Fire Prevention (the "Fire Prevention Chief") to provide a letter of defect. The Fire Prevention Chief refused, citing numerous reported fire safety defects, some of which were serious, at the Turkish House, and the likelihood that the building would fail any FDNY inspection.

g. On or about September 5, 2021, the Turkish Official began asking ADAMS, both directly and through the Adams Staffer, to intervene with the Commissioner of the FDNY (the "FDNY Commissioner") in order to secure a TCO for the Turkish House. ADAMS, the Turkish Official, and the Adams Staffer discussed these requests through phone calls and electronic messages. In a phone call to the Adams Staffer, the Turkish Official stated that because

Turkey had supported ADAMS, it was now “his turn” to support Turkey. The Adams Staffer relayed this message to ADAMS, and ADAMS responded, “I know.”

h. On September 6, 2021, ADAMS messaged the Adams Staffer that he would contact the FDNY Commissioner.

i. On September 7, 2021, ADAMS messaged the Adams Staffer that he had a scheduled call with the FDNY Commissioner later that day.

j. On September 8, 2021, ADAMS messaged the FDNY Commissioner, asking him to call ADAMS. Until that point, the messages between the FDNY Commissioner and ADAMS had consisted of (i) an August 3, 2021 message from the FDNY Commissioner to ADAMS, requesting to continue serving as FDNY commissioner after ADAMS became mayor, and stressing that he was “loyal and trustworthy,” to which ADAMS sent a noncommittal response, and (ii) a September 5, 2021 invitation to a September 11 memorial service from the FDNY Commissioner to ADAMS, to which ADAMS responded that he would try to attend and wished to speak with the FDNY Commissioner for “a half hour . . . about FDNY.”

k. Also on September 8, 2021, ADAMS messaged the FDNY Commissioner, stating, in part, “They said they needed a letter of Defect from FDNY to DOB. They know they have some issues but according to them with the letter the DOB wi[ll] give the TCO.” The FDNY Commissioner responded, “We will get on it tomorrow.” Through the Adams Staffer, ADAMS assured the Turkish Official, “Don’t worry,” “I am on top of this.”

l. On September 9, 2021, after a contractor working for the Turkish Consulate sent the FDNY a letter describing the status of the Turkish House’s fire alarm system, an FDNY employee with responsibility for inspecting the system sent the Fire Prevention Chief the following email:

From: [REDACTED]
Sent: Thursday, September 9, 2021 11:51 AM
To: [REDACTED]
Subject: FW: Turkish Embassy - Fire Alarm Request - 821 1st Avenue (21021)

Chief,

After reviewing the letter, I do not see any way we would be willing to accept it. They have some major issues like central station and fan shutdowns which would be an automatic violation order. Aside from that, he gave us a list with over 60 defects and some of them list 5-10 problems in each one. FAIU would not go beyond 20 defects without issuing a violation order. In my opinion, this document does not take any liability that we would be comfortable with. I believe it actually tells us this building is not safe to occupy. Feel free to reach out to discuss further.

Thanks

m. On the morning of September 10, 2021, ADAMS messaged the FDNY Commissioner, stating that the Turkish Official had understood that the FDNY was going to inspect the Turkish House the previous day, and “They really need someone . . . by today if possible. If it is [im]possible please let me know and I will manage their expectation.” The FDNY Commissioner wrote back that “There seems to be a difference of opinion between the inspector” and the private alarm engineer responsible for the building, but that the FDNY Commissioner was “trying to iron it out.”

n. Shortly after noon on September 10, 2021, ADAMS messaged the FDNY Commissioner, “They said the hire [sic] ups at FDNY did not give the inspector authorization to come. The inspector indicated he needs authority to come to day [sic].” The FDNY Commissioner responded, “Working on that as we speak.” At approximately 2:06 p.m., ADAMS messaged the Adams Staffer that ADAMS had again spoken with the FDNY Commissioner, and “He again told me he is on the phone as we speak to try and resolve this.”

o. Also on the afternoon of September 10, 2021, the FDNY Chief of Department summoned the Fire Prevention Chief to a meeting. The Chief of Department was the FDNY Commissioner’s direct subordinate and the Fire Prevention Chief’s superior. The Chief of Department informed the Fire Prevention Chief, in substance, that if the FDNY did not assist the Turkish Consulate in obtaining a TCO, both the Chief of Department and the Fire Prevention Chief would lose their jobs. The Fire Prevention Chief then drafted a “conditional letter of no objection”

for the Turkish House. The Fire Prevention Chief had never before written a “conditional letter of no objection,” which was not standard FDNY procedure. Instead, the Fire Prevention Chief wrote this letter, which he later described as “unprecedented,” to inform the DOB that FDNY did not object to issuing the TCO, provided that the private engineers affirmed that the fire alarm system functioned properly, and “assum[ing] the Department of Buildings has inspected, tested and approved the installed water-based fire suppression systems.”

p. At 2:17 pm on September 10, 2021, the FDNY Commissioner wrote ADAMS, “Letter being drafted now. Everything should be good to go Monday morning.” Four minutes later, ADAMS messaged the Turkish Official, “From the commissioner: Letter being drafted now. Everything should be good to go Monday morning.” The Turkish Official responded, “You are Great Eric, we are so happy to hear that 🙏🙏. You are a true friend of Turkey.” ADAMS replied, “Yes even more a true friend of yours. You are my brother. I am hear [sic] to help.” At 2:30 pm, the Turkish Official confirmed, “You are such a friend 🙏.” At 2:31 p.m., the Fire Prevention Chief sent the “conditional letter of no objection” to the private alarm engineer.

39. After ERIC ADAMS, the defendant, pressured the FDNY to permit a TCO to be issued for the Turkish House, the Turkish Official continued to fulfill his end of the bargain, by providing additional luxury travel benefits to ADAMS. These benefits, which ADAMS accepted, were worth more than \$14,000.

a. On September 14, 2021—four days after ADAMS caused the FDNY to acquiesce in the TCO—ADAMS messaged the Adams Staffer, directing her to secure tickets to Pakistan for a trip from November 30 to December 8, 2021. The Adams Staffer relayed the request to the Airline Manager, stating, “He’ll pay the economy class price,” but asking, “Can we upgrade later?” The Airline Manager replied, “Of course.”

b. On September 21, 2021, the Turkish Official messaged the Adams Staffer, seeking a meeting at a particular time between ADAMS and a Turkish Deputy Minister. The Turkish Official wrote, “This is very important. He”—the Deputy Minister—“is the person who makes all the arrangements with one phone call in Turkey. Flight, yacht tour, hotels, rental cars...” The meeting did not occur, because ADAMS was scheduled to meet with a former President of the United States at the time requested for the meeting with the Deputy Minister.

c. After the Airline Manager and the Adams Staffer further discussed the price and timing of ADAMS’s tickets, on September 28, 2021, ADAMS purchased two roundtrip economy class tickets on the Turkish Airline from New York to Pakistan—arriving in Lahore and departing from Islamabad—for a total price of \$1,436. On November 17, 2021, the Adams Staffer messaged ADAMS to confirm that he still intended to travel and that she should therefore have his tickets upgraded to business class. ADAMS responded, “Ok, do so.” On November 18, 2021, the Adams Staffer messaged the Airline Manager, requesting the upgrade. The Turkish Airline upgraded ADAMS’s tickets to business class at no cost to ADAMS.

d. On November 25, 2021—four days before he was scheduled to depart for Pakistan—ADAMS asked that his destination be changed to Ghana. The Airline Manager changed ADAMS’s and Adams’s Partner’s tickets to business class flights to Ghana at no cost to ADAMS. Had ADAMS paid full price for the business class tickets to Ghana, they would have cost more than \$14,000 total.

e. On November 26, 2021, the Turkish Official informed the Adams Staffer that “we will take care of the layover in Istanbul,” referring to a nine-hour layover in Istanbul during ADAMS’s just-scheduled flight from New York to Ghana. The Turkish Official then offered various arrangements for ADAMS, including an escort to meet ADAMS and Adams’s



Partner at the gate of the Istanbul airport, pickup at the Istanbul airport by “luxury vehicle”—later specified as a “BMW 7”—with a driver, dinner at a high-end restaurant where ADAMS would meet a Turkish government official, drinks at a separate location, a boat tour of the Bosphorus Strait, and return to the airport in time for ADAMS’s business class flight from Istanbul to Ghana. ADAMS selected the airport escort, driver, and dinner, but declined the Bosphorus Strait cruise, explaining that he has “done the boat tour a few times.” In touting the benefits he provided, the Turkish Official messaged the Adams Staffer, “don’t let [the Airline Manager] and others confuse [ADAMS]. We are the state.”

f. On November 30, 2021, the Adams Staffer relayed to the Turkish Official requests by ADAMS that his excursion into Istanbul receive no media attention, including social media. The Turkish Official agreed that it would be “confidential.” Accordingly, the Turkish Official confirmed that during ADAMS’s dinner at the Istanbul restaurant, the Turkish Official’s “team did not let anyone take any pictures.” This was in stark contrast to the Ghana portion of ADAMS’s trip, for which ADAMS actively sought and obtained press coverage, and which ADAMS posted about on his social media account.

g. After ADAMS completed the layover, the Turkish Official and the Adams Staffer exchanged the following messages:

Turkish Official: Was Eric satisfied?

Adams Staffer: It was great. Thank you for everything.

Turkish Official:  
it’s okay if he is happy
...
Is Eric happy then?

Adams Staffer: He is very happy. He is sending you his thanks.

40. During and shortly after the travel to Ghana and Istanbul described in the preceding paragraphs, ERIC ADAMS, the defendant, took additional actions for those who provided him travel benefits, in exchange for those benefits.

a. In early December 2021, ADAMS announced the members of his transition committees, which were established to advise the mayor-elect and his team on policies and appointments before he took office. Initially, there were no members of the Turkish community on any of the committees.

b. On December 8, 2021, the Adams Staffer sent the Airline Manager a link to a list of ADAMS's transition committees and asked the Airline Manager, "Have you looked at the list?" The Airline Manager responded, "It would suit me well to be lead Or Senior Advisor." Two days later, the Airline Manager sent a message reiterating, "Lead Plz :) Otherwise seat number 52 is empty ... On the way back," meaning that if the Airline Manager was not given a position on a transition committee, it would affect ADAMS's travel benefits from the Turkish Airline.

c. On December 17, 2021, the Adams Staffer sent ADAMS a list of members of the Turkish community to add to ADAMS's transition committees, with the Airline Manager as the top name. ADAMS informed the Adams Staffer that he had sent the list to the persons responsible for organizing his transition committees. ADAMS sent the list to a staff member with the direction "Add to transition." The Airline Manager was subsequently added to ADAMS's Infrastructure, Climate and Sustainability Committee transition committee.

d. On December 23, 2021, a senior Turkish government official sent the Airline Manager a series of text messages, noting the Airline Manager's membership on ADAMS's Infrastructure, Climate and Sustainability Committee and sending applause emojis. The Airline Manager responded that his membership on the transition committee was in service of

Turkey: “Thank you, brother. We are doing our best to serve our country adequately. Your support gives us strength here. Thank you. You are always there for us, and we’re trying to be worthy.”

41. ERIC ADAMS, the defendant, continued to conceal the luxury travel benefits he accepted in exchange for taking actions favorable to the Turkish Official, the Airline Manager, and others, by once again not reporting these gifts on his 2021 annual disclosure form. In total, from 2016 through 2021, ADAMS received the following benefits from the Turkish Official, the Airline Manager, the Promoter, and others, none of which he reported on annual disclosure forms:

<u>Year</u>	<u>Destination</u>	<u>Benefits</u>	<u>Value</u>	<u>Disclosed?</u>
2016	India (via Turkey)	Free upgrade to business class for two on roundtrip from New York to India	\$12,000+	No
2017	France, Turkey, China	Free business class tickets for three on roundtrip from New York to France, Turkey, and China; heavily discounted stay in Bentley Suite of St. Regis Istanbul	\$41,000+	No
2017	China (via Turkey)	Free business class tickets for two on roundtrip from New York to China	\$16,000+	No
2018	Hungary (via Turkey)	Free upgrade to business class for two on roundtrip from New York to Hungary	\$12,000+	No
2019	Turkey	Free upgrade to business class for one on flight from New York to Turkey; free stay at Cosmopolitan Suite of St. Regis Istanbul; free meals, transportation, and entertainment in Istanbul	\$9,000+	No
2021	Turkey (solicited and accepted but then canceled)	Free upgrade to business class for two on roundtrip from New York to Turkey; free or steeply discounted luxury hotel and resort stays, transportation, entertainment, and meals	\$21,000+	No
2021	Ghana (via Turkey)	Free upgrade to business class for two on roundtrip from New York to Ghana; free meal and transportation during Istanbul layover	\$12,000+	No

ADAMS Continues His Corrupt Relationships After Becoming Mayor

After his inauguration, ADAMS favors those who provided him with illegal benefits over those who fell short

42. On January 1, 2022, ERIC ADAMS, the defendant, was inaugurated as Mayor of New York City. ADAMS soon began preparing for his next election, in part by planning to solicit more straw contributions, and in part by granting requests by those who supported the 2021 Campaign with significant straw donations, while denying requests from those who fell short.

a. On January 11, 2022, ADAMS met the Promoter, the Adams Staffer, and others at a high-end New York City restaurant frequented by ADAMS. At one point during the meeting, ADAMS, the Promoter, and the Adams Staffer met separately in a private area. There, the Promoter discussed his prior efforts to collect campaign contributions for ADAMS in Turkey, stated that he could collect more foreign contributions in the future, and indicated that he would be able to raise more money for the 2025 Campaign if ADAMS visited Turkey and met with Turkish businesspeople. ADAMS welcomed the offer of foreign contributions and told the Promoter to coordinate with the Adams Staffer to arrange the contributions.

b. On April 21, 2022, the Turkish Official messaged the Adams Staffer, noting that Armenian Genocide Remembrance Day was approaching, and repeatedly asked the Adams Staffer for assurances that ADAMS would not make any statement about the Armenian Genocide. The Adams Staffer confirmed that ADAMS would not make a statement about the Armenian Genocide. ADAMS did not make such a statement.

c. On November 21, 2022, the Promoter messaged the Adams Staffer that Businessman-1 was visiting New York, and asked that ADAMS meet with Businessman-1. In support of the requested meeting, the Promoter stated that the Turkish University “gave support, albeit a little.” ADAMS declined the meeting, stating that “they didn’t keep their word,” meaning

that Businessman-1 and the Turkish University had failed to fulfill their commitment to make at least \$25,000 in donations to the 2021 Campaign.

43. ERIC ADAMS, the defendant, also continued his agreement with the Turkish Official to assist in New York City's regulation of the Turkish House in exchange for free or heavily discounted travel benefits from the Turkish Airline for ADAMS and his associates.

a. From on or about July 8, 2022, to on or about July 12, 2022, the Turkish Official exchanged messages with the Adams Staffer concerning business class upgrades on the Turkish Airline for international travel by four of ADAMS's close associates.

b. On July 11, 2022, the Turkish Official met with ADAMS's senior advisor and the Adams Staffer, among others, at the Turkish House. In a message, the Adams Staffer referred the Turkish Official to ADAMS's senior advisor, telling the Turkish Official, "ask [the senior advisor] all your pending problems regarding this building [that is, the Turkish House] ... Like FDNY approvals"

In 2023 and 2024, ADAMS solicits and accepts straw contributions for his 2025 re-election campaign

44. In 2023 and 2024, ERIC ADAMS, the defendant, again solicited and knowingly accepted straw and foreign contributions, as part of his efforts to raise funds for the 2025 Campaign.

45. In 2023, ERIC ADAMS, the defendant, directed his staff to devise a plan for ADAMS to secretly obtain illegal foreign donations offered by the Promoter, and then knowingly accepted donations of foreign money through straw donors. ADAMS then attended a fundraiser where he thanked the true donors, who he knew to be wealthy foreign nationals.

a. In the summer of 2023, the Promoter informed the Adams Staffer that he could secure contributions to the 2025 Campaign from Turkish nationals if ADAMS would attend

an event with the foreign donors. The Adams Staffer brought this opportunity to ADAMS, who directed the Adams Staffer to work with the Adams Fundraiser to devise a plan to obtain the illegal donations.

b. The Adams Fundraiser suggested that the true foreign donors make their contributions through straw donors considerably in advance of the event at which ADAMS would meet the true foreign donors, so that the event did not appear connected to the contributions. As the Adams Staffer explained to the Adams Fundraiser in a text message regarding the planned attendees, “Mayor knows most of them from turkey[.] The People who has business here as well.” The Adams Staffer and the Promoter agreed to execute this plan, which ADAMS approved.

c. The Adams Fundraiser, the Promoter, and the Adams Staffer scheduled an event for September 20, 2023 in a private room at a Manhattan hotel. To conceal the event’s true purpose, the Promoter provided a PowerPoint presentation billing the event as a dinner hosted by “International Sustainability Leaders” with the subject “Sustainable Destinations” and an attendance price of \$5,000. The event was not publicized or listed on ADAMS’s public calendar. The Adams Fundraiser entered the event on ADAMS’s private calendar as a “Fundraiser for Eric Adams 2025,” with the host listed as the Promoter, a goal of “25k,” and the note “Total Submitted before the event: \$22,800.”

d. Prior to the scheduled fundraiser, the Promoter collected payments of \$5,000 or more from attendees, many of whom were foreign nationals. The Promoter then used a portion of the attendees’ payments to make straw donations to the 2025 Campaign, by sending cash from the foreign national donors to the Adams Staffer. The Adams Staffer then distributed \$2,100 in cash to at least three straw donors who each made an online \$2,100 contribution to the 2025 Campaign.

e. On September 20, 2023, the Promoter hosted the fundraiser, which ADAMS, the Adams Fundraiser, the Adams Staffer, and foreign nationals who had contributed to the 2025 Campaign via straw donors attended. In one video of the event, the Promoter introduced a foreign-national attendee to ADAMS, explaining that the attendee owned a business and lived in London and Istanbul. ADAMS proceeded to thank the attendee.

46. On October 9, 2023, ERIC ADAMS, the defendant, attended a fundraiser at which attendees agreed to make, and ADAMS agreed to accept, straw donations. The fundraiser was organized by a Turkish American public relations representative (the “PR Representative”) and the publisher of a magazine targeted at Turkish Americans (the “Publisher”), both of whom were associates of the Turkish Official, and hosted by the owner of a logistics company (“Businessman-6”), who is part of the Turkish-American community in the New York City area.

a. From late August 2023 through early September 2023, the Adams Staffer and the Adams Fundraiser discussed the particulars of the fundraiser, including the creation of a unique fundraising link for the event, which the Adams Fundraiser ultimately created.

b. On September 12, 2023, the PR Representative and the Publisher instructed Businessman-6 on how to make straw donations to the 2025 Campaign, using a system under which the 2025 Campaign routed foreign donations through U.S. citizens, to make it appear that the contribution came from a lawful source.

c. Beginning at least as early as September 29, 2023, the Adams Staffer sent the Adams Fundraiser updates regarding how much money was being raised in connection with the planned fundraiser. On October 8, 2023, the day before the event, the Adams Staffer and the Adams Fundraiser exchanged the following messages:

Adams Fundraiser: And okay are they going to make the limit?

Adams Staffer: Yes[.] They said as agreed we will collect the 25K

Adams Fundraiser: Ok perfect

d. Also on October 8, 2023, the Airline Manager sent the Turkish Official the unique fundraising link for the event.

e. At the October 9, 2023 fundraiser, Businessman-6 told ADAMS that Businessman-6 owned a large corporation and wished to contribute significant amounts of money to the 2025 Campaign. ADAMS told Businessman-6 to coordinate with the Adams Staffer. Businessman-6 then explained to the Adams Staffer that his company employed many drivers and that Businessman-6 would contribute to the 2025 Campaign through those employees. ADAMS scheduled a dinner with Businessman-6 for early November, which was canceled after the federal investigation into ADAMS's conduct became public.

ADAMS and His Co-Conspirators Attempt to Conceal Their Criminal Conduct

47. Throughout the commission of the conduct described in paragraphs 1 through 46 of this Indictment, ERIC ADAMS, the defendant, and his agents and co-conspirators sought to conceal their wrongful conduct from scrutiny by the public and law enforcement. As described above, ADAMS repeatedly did not disclose the free and heavily discounted travel benefits he accepted from the Turkish Official, the Promoter, and the Airline Manager; created a false paper trail to suggest he had paid for this travel when, in fact, he had not; assured the Adams Staffer that he had a practice of deleting all his messages with the Adams Staffer; and directed the Adams Staffer to ensure that his activities in Turkey in 2021 were shielded from public view. In addition, the purpose of conducting the straw donations discussed throughout this Indictment was to allow ADAMS to benefit from illegal campaign contributions by concealing their true source.

48. ERIC ADAMS, the defendant, and his co-conspirators and agents continued their efforts to defeat scrutiny of their criminal conduct after the federal investigation into those crimes became known to them. On November 2, 2023, Special Agents of the Federal Bureau of Investigation (the "FBI") executed search warrants at, among other locations, the residences of the Adams Fundraiser, Businessman-5, and the Adams Staffer. Each took actions to conceal the criminal conduct they had committed with ADAMS.

a. After learning that FBI agents had arrived at her residence, but before answering their repeated knocks at her door, the Adams Fundraiser called ADAMS five times, even though the agents had not yet given the Adams Fundraiser any indication of the purpose for their visit. When the Adams Fundraiser then spoke with the FBI agents, she agreed to discuss many subjects, but refused to say who had paid for her 2021 travel to Turkey. As the FBI agents departed the Adams Fundraiser's residence, ADAMS attempted to call the Adams Fundraiser's phone. On the morning that the FBI agents executed this search, ADAMS had flown to Washington, D.C. for a publicized official meeting, but upon learning about the search, ADAMS canceled the meeting and immediately returned to New York City.

b. Businessman-5 also agreed to speak with FBI agents and acknowledged that he and his employees had contributed to the 2021 Campaign. Businessman-5 further acknowledged that he had spoken with the Turkish Official about his construction company's fundraiser for the 2021 Campaign. But Businessman-5 lied in order to conceal the straw donations he orchestrated, falsely denying that he caused his construction company to reimburse his employees for their contributions and that he knew why the company had issued identical checks to ten employees for the amount of their contributions shortly before the fundraiser.

c. The Adams Staffer also agreed to speak with FBI agents and falsely denied the criminal conduct of herself and ADAMS, among others. At one point during her voluntary interview, the Adams Staffer excused herself to a bathroom and, while there, deleted the encrypted messaging applications she had used to communicate with ADAMS, the Promoter, the Turkish Official, the Airline Manager, and others.

d. On November 6, 2023, FBI agents executed a search warrant for the electronic devices used by ERIC ADAMS, the defendant. Although ADAMS was carrying several electronic devices, including two cellphones, he was not carrying his personal cellphone, which is the device he used to communicate about the conduct described in this indictment. When ADAMS produced his personal cellphone the next day in response to a subpoena, it was “locked,” such that the device required a password to open. ADAMS claimed that after he learned about the investigation into his conduct, he changed the password on November 5, 2024, and increased the complexity of his password from four digits to six. ADAMS had done this, he claimed, to prevent members of his staff from inadvertently or intentionally deleting the contents of his phone because, according to ADAMS, he wished to preserve the contents of his phone due to the investigation. But, ADAMS further claimed, he had forgotten the password he had just set, and thus was unable to provide the FBI with a password that would unlock the phone.

49. As the federal investigation into the criminal conduct of ERIC ADAMS, the defendant, continued, so did efforts to frustrate that investigation.

a. On June 13, 2024, FBI agents interviewed Businessman-4 and the four employees of his company through whom Businessman-4 had made straw donations to the 2021 Campaign, most of whom denied making straw contributions. Businessman-4 then contacted Adams Employee-1, who, as discussed above, had asked Businessman-4 to make the straw

donations to the 2021 Campaign. Later that day, Adams Employee-1 visited Businessman-4 at his company's offices. Adams Employee-1 stated that he had just met with ADAMS at City Hall. Adams Employee-1 proceeded to discuss with Businessman-4 what had happened with the FBI and encouraged Businessman-4 to lie to federal investigators. Adams Employee-1 then asked to address Businessman-4's four employees who had made straw donations to the 2021 Campaign and encouraged them to lie to federal investigators as well. Adams Employee-1 then took photographs of the subpoena that had been issued to Businessman-4 to send to ADAMS.

b. On the following day, Businessman-4 met again with Adams Employee-1. Adams Employee-1 told Businessman-4 that he had met with ADAMS at City Hall earlier that day and that they had left their cellphones outside the room in which they met so that it would be "safe" to talk. Adams Employee-1 explained to Businessman-4 that although ADAMS was upset that law enforcement had approached Businessman-4, ADAMS believed that Businessman-4 would not cooperate with law enforcement.

STATUTORY ALLEGATIONS

COUNT ONE

(Conspiracy to Commit Wire Fraud, Federal Program Bribery, and to Receive Campaign Contributions By Foreign Nationals)

The Grand Jury charges:

50. The allegations contained in paragraphs 1 through 49 of this Indictment are repeated and realleged as if set forth fully herein.

51. From at least in or about 2015 through at least in or about 2024, in the Southern District of New York and elsewhere, ERIC ADAMS, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit:

- a. wire fraud, in violation of Title 18, United States Code, Section 1343;
- b. soliciting, accepting, and receiving a campaign contribution by a foreign national, in violation of Title 52, United States Code, Section 30121(a)(2); and
- c. bribery, in violation of Title 18, United States Code, Section 666(a)(1)(B).

52. It was a part and object of the conspiracy that ERIC ADAMS, the defendant, and others known and unknown, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, in violation of Title 18, United States Code, Section 1343.

53. It was further a part and object of the conspiracy that ERIC ADAMS, the defendant, and others known and unknown, would and did knowingly and willfully solicit, accept, and receive, directly and indirectly, a contribution and donation from a foreign national, and express and implied promises to make a contribution and donation, in connection with a local election, to wit, mayoral elections in the City of New York, aggregating \$25,000 and more in a calendar year, in violation of Title 52, United States Code, Sections 30121(a)(2) and 30109(d)(1)(A)(i).

54. It was further a part and object of the conspiracy that ERIC ADAMS, the defendant, being an agent of a local government, to wit, the City of New York, which, in a one-year period, received benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance, corruptly solicited and demanded for the benefit of a person, and accepted and agreed to accept, a thing of value from a person, intending to be influenced and rewarded in connection with business, a transaction, and a series

of transactions of the City of New York involving a thing of value of \$5,000 and more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

Overt Acts

55. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed by ERIC ADAMS, the defendant, in the Southern District of New York and elsewhere:

- a. In 2016, ADAMS accepted free upgrades to business class for himself and a companion on roundtrip flights from New York to India.
- b. In July 2017, ADAMS accepted free business tickets for himself and two companions on roundtrip flights from New York to France, Turkey, Sri Lanka, and China.
- c. In July 2017, ADAMS accepted a steeply discounted stay at the Bentley Suite of the St. Regis Istanbul.
- d. In October 2017, ADAMS accepted free business tickets for himself and a companion on roundtrip flights from New York to China.
- e. In January 2018, ADAMS accepted free upgrades to business class for himself and a companion on roundtrip flights from New York to Hungary.
- f. In November 2018, ADAMS directed the Adams Staffer to arrange to accept contributions of foreign funds from Businessman-1.
- g. In January 2019, ADAMS accepted a free stay at the Cosmopolitan Suite of a luxury hotel in Istanbul.
- h. In January 2019, ADAMS met with Businessman-3 in Istanbul, where ADAMS agreed to accept campaign contributions of foreign money.

- i. In December 2020, the Adams Employees solicited straw donations to ADAMS's campaign from Businessman-4.
- j. In May 2021, ADAMS attended a fundraiser organized by the Turkish Official, among others, where ADAMS accepted straw donations from Businessman-5.
- k. In May 2021, ADAMS submitted a false disclosure statement to the CFB that concealed the straw donations from Businessman-5.
- l. In June 2021 ADAMS solicited steeply discounted business class tickets, stays at a luxury hotel and luxury resort, and transportation (including a domestic flight and a car and driver).
- m. In June 2021, ADAMS solicited a free hotel stay and free use of a VIP room in a business class lounge of the Turkish Airlines for the Adams Fundraiser.
- n. In or about August 2021, ADAMS directed the Adams Staffer to obtain contributions of foreign funds from the Turkish University.
- o. In September 2021, ADAMS caused the FDNY to issue a letter acquiescing in the occupation of the Turkish House.
- p. In September 2021, ADAMS solicited and accepted steeply discounted business class tickets for himself and a companion on roundtrip flights from New York to Pakistan.
- q. In October 2021, ADAMS submitted a false disclosure statement to the CFB that concealed the straw donations from the Turkish University.
- r. In November 2021, ADAMS solicited and accepted a free car and driver and meal at a luxury restaurant for himself and his companion in Istanbul.
- s. In January 2022, ADAMS attended a meeting with the Promoter, among others, where he agreed to accept contributions of foreign money to the 2025 Campaign.

t. In July 2022, ADAMS's senior advisor and the Adams Staffer met the Turkish Official at the Turkish House, and the Adams Staffer identified ADAMS's senior official as the point of contact for the Turkish Official's "pending problems regarding" the Turkish House such as "FDNY approvals."

u. In July 2022, the Turkish Official arranged to provide business class upgrades on the Turkish Airline for four of ADAMS's close associates.

v. In September 2023, ADAMS attended a fundraiser where he thanked foreign donors for contributions of foreign money to the 2025 Campaign made through straw donors.

w. In October 2023, ADAMS attended a fundraiser where he directed the Adams Staffer to coordinate the receipt of straw donations from Businessman-6.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Wire Fraud)

The Grand Jury further charges:

56. The allegations contained in paragraphs 1 through 49 of this Indictment are repeated and realleged as if set forth fully herein.

57. From at least in or about 2018 through at least in or about 2024, in the Southern District of New York and elsewhere, ERIC ADAMS, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, ADAMS participated in a scheme to fraudulently obtain Matching Funds for

the Adams Campaigns by falsely claiming that contributions qualified for Matching Funds when, in fact those contributions did not.

(Title 18, United States Code, Sections 1343 and 2.)

COUNT THREE
(Solicitation of a Contribution by a Foreign National)

The Grand Jury further charges:

58. The allegations contained in paragraphs 1 through 49 of this Indictment are repeated and realleged as if set forth fully herein.

59. In or about 2021, in the Southern District of New York and elsewhere, ERIC ADAMS, the defendant, knowingly and willfully solicited, accepted, and received, and aided and abetted and willfully caused the solicitation, acceptance and receipt of, a contribution and donation from a foreign national, and express and implied promises to make a contribution and donation, in connection with a local election, to wit, mayoral elections in the City of New York, aggregating \$25,000 and more in a calendar year.

(Title 52, United States Code, Sections 30121 and 30109(d)(1)(A), and
Title 18, United States Code, Section 2.)

COUNT FOUR
(Solicitation of a Contribution by a Foreign National)

The Grand Jury further charges:

60. The allegations contained in paragraphs 1 through 49 of this Indictment are repeated and realleged as if set forth fully herein.

61. In or about 2023, in the Southern District of New York and elsewhere, ERIC ADAMS, the defendant, knowingly and willfully solicited, accepted, and received, and aided and abetted and willfully caused the solicitation, acceptance and receipt of, a contribution and donation

from a foreign national, and express and implied promises to make a contribution and donation, in connection with a local election, to wit, mayoral elections in the City of New York, aggregating \$25,000 and more in a calendar year.

(Title 52, United States Code, Sections 30121 and 30109(d)(1)(A), and Title 18, United States Code, Section 2.)

COUNT FIVE
(Bribery)

The Grand Jury further charges:

62. The allegations contained in paragraphs 1 through 49 of this Indictment are repeated and realleged as if set forth fully herein.

63. From at least in or about the summer of 2021, through at least in or about the summer of 2022, in the Southern District of New York and elsewhere, ERIC ADAMS, the defendant, being an agent of a local government, to wit, the City of New York, which, in a one-year period, received benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance, corruptly solicited and demanded for the benefit of a person, and accepted and agreed to accept, a thing of value from a person, intending to be influenced and rewarded in connection with business, a transaction, and a series of transactions of the City of New York involving a thing of value of \$5,000 and more, to wit, ADAMS solicited and accepted free and heavily discounted luxury travel benefits from the Turkish Official and others in exchange for intending to be influenced in connection with the City of New York's regulation of the Turkish House, located at 821 United Nations Plaza, New York, New York.

(Title 18, United States Code, Sections 666(a)(1)(B) and 2.)

FORFEITURE ALLEGATIONS

64. As a result of committing one or more of the offenses alleged in Counts One, Two, and Five of this Indictment, ERIC ADAMS, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

Substitute Assets Provision

65. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided

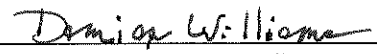
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



DAMIAN WILLIAMS
United States Attorney

EXHIBIT F



U.S. Department of Justice
Office of the Deputy Attorney General

Washington, D.C. 20530

February 13, 2025

Via Email & Hand Delivery

Danielle Sassoon
Acting U.S. Attorney
U.S. Attorney's Office, SDNY

Re: United States v. Adams, No. 24 Cr. 556 (S.D.N.Y.)

Ms. Sassoon:

In response to your refusal to comply with my instruction to dismiss the prosecution of Mayor Eric Adams, I write to notify you of the following:

First, your resignation is accepted. This decision is based on your choice to continue pursuing a politically motivated prosecution despite an express instruction to dismiss the case. You lost sight of the oath that you took when you started at the Department of Justice by suggesting that you retain discretion to interpret the Constitution in a manner inconsistent with the policies of a democratically elected President and a Senate-confirmed Attorney General.

Second, you indicated that the prosecution team is aware of your communications with the Justice Department, is supportive of your approach, and is unwilling to comply with the order to dismiss the case. Accordingly, the AUSAs principally responsible for this case are being placed on off-duty, administrative leave¹ pending investigations by the Office of the Attorney General² and the Office of Professional Responsibility, both of which will also evaluate your conduct. At

¹ This leave status will remain in effect until further notice. This is not a disciplinary or adverse action, and the AUSAs will continue to receive full salary and benefits during administrative leave. While the AUSAs are in an off-duty status, they are not to use their government-issued laptop, phone, and ID badge/PIV card to access duty stations or any other Federal facility unless explicitly directed to do so. While on administrative leave, if contacted by management, the AUSAs must respond by phone or email no later than the close of business the following business day.

² The investigation by the Office of the Attorney General will be conducted pursuant to, *inter alia*, Executive Order 14147, entitled *Ending the Weaponization of the Federal Government*, and on the basis of the Attorney General's February 5, 2025 memorandum regarding *Restoring the Integrity and Credibility of the Department of Justice*.

the conclusion of these investigations, the Attorney General will determine whether termination or some other action is appropriate.

Based on attendance at our recent meetings, I understand the relevant AUSAs to be Hagan Scotten and Derek Wikstrom. If either of these AUSAs wished to comply with my directive but was prohibited from doing so by you or the management of your office, or if these AUSAs wish to make me aware of other mitigating considerations they believe are relevant, they can contact my office directly. The Justice Management Division and EOUSA have taken steps to remove access to electronic devices, and I ask that you and the AUSAs cooperate with those efforts and preserve all electronic and hard copy records relating to this matter whether they are stored on official or personal devices.

Third, under your leadership, the office has demonstrated itself to be incapable of fairly and impartially reviewing the circumstances of this prosecution. Therefore, the prosecution of Mayor Adams is transferred to the Justice Department, which will file a motion to dismiss the charges pursuant to Rule 48 of the Federal Rules of Criminal Procedure. My prior directive regarding no further targeting of Mayor Adams or additional investigative steps related to this matter remains in place.

I. Background

On January 20, 2025, in Executive Order 14147, President Trump established the following policy: “It is the policy of the United States to identify and take appropriate action to correct past misconduct by the Federal Government related to the weaponization of law enforcement.” In a February 5, 2025 memorandum setting forth the Department’s general policy regarding zealous advocacy on behalf of the United States, the Attorney General stated:

[A]ny attorney who because of their personal political views or judgments declines to sign a brief or appear in court, refuses to advance good-faith arguments on behalf of the Administration, or otherwise delays or impedes the Department’s mission will be subject to discipline and potentially termination, consistent with applicable law.

Your Office was not exempted from the President’s policy or the Attorney General’s memorandum.

On February 10, 2025, I directed you to dismiss the prosecution of Mayor Adams based on well-founded concerns regarding weaponization, election interference, and the impediments that the case has imposed on Mayor Adams’ ability to govern and cooperate with federal law enforcement to keep New York City safe. My February 10, 2025 memorandum indicated that I acted pursuant to the authorization of the Attorney General. The mechanism for seeking dismissal is Rule 48 of the Federal Rules of Criminal Procedure. Note 2 to Rule 48 explains that “[t]he rule confers *the power to file a dismissal by leave of court on the Attorney General*, as well as on the United States attorney, since under existing law the Attorney General exercises ‘general superintendence and direction’ over the United States attorneys.” See 28 U.S.C. § 509 (“All

functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General”); *see also* 28 C.F.R. § 0.15(b).

Prior to issuing the February 10, 2025 memorandum, I reviewed public filings in this matter, and your office's prosecution memoranda and classified submissions. I met with you and the prosecution team, held a separate meeting that involved you, the prosecution team, and defense counsel, and then met with you privately in my office.³ During those meetings, I invited written submissions from both sides, and I carefully reviewed those submissions. Thus, your recent suggestions about a lack of process around the Justice Department's decision are not grounded in reality.

You have not complied with the clear directives in my February 10, 2025 memorandum. Further, you made clear that you did not intend to do so during telephone calls with myself and Chad Mizelle, the Attorney General's Chief of Staff, on February 11, 2025, as well as in a written submission to the Attorney General that day. You also stated that the prosecution team had reviewed your letter to the Attorney General, and that they would not file a motion to dismiss the case.

At approximately 1:50 p.m. today, you tendered your resignation via email.

II. Discussion

The weaponization finding in my February 10, 2025 memorandum was made pursuant to a policy set forth by President Trump, who is the only elected official in the Executive Branch, in connection with a decision that was authorized by the Senate-confirmed Attorney General of the United States, and entirely consistent with guidance issued by the Attorney General shortly after that confirmation. Your Office has no authority to contest the weaponization finding, or the second independent basis requiring dismissal set forth in my memorandum. The Justice Department will not tolerate the insubordination and apparent misconduct reflected in the approach that you and your office have taken in this matter.

A. Improper Weaponization

You are well aware of the Department's weaponization concerns regarding the handling of the investigation and prosecution of Mayor Adams. Those concerns include behavior that supports, at minimum, unacceptable appearances of impropriety and the politicization of your office. The investigation was accelerated after Mayor Adams publicly criticized President Biden's failed immigration policies, and led by a former U.S. Attorney with deep connections to the former

³ You correctly noted in your letter to the Attorney General that during the second meeting I questioned why a member of the prosecution team appeared to have been brought for the sole purpose of transcribing our discussion. You failed to note, however, that I made those comments in the context of a conversation about leaks relating to our deliberations.

Attorney General who oversaw the weaponization of the Justice Department. Based on my review and our meetings, the charging decision was rushed as the 2024 Presidential election approached, and as the former U.S. Attorney appears to have been pursuing potential political appointments in the event Kamala Harris won that election.

After President Trump won the election, in late-December 2024, the former U.S. Attorney launched a personal website—which closely resembles a campaign website—that touts articles about the ongoing prosecution of Mayor Adams with titles such as “U.S. Attorney Damian Williams has come for the kings,” “A mayor, a rapper, a senator, a billionaire: Meet the man who has prosecuted them all,” and “Federal Prosecutor Damian Williams Flexes SDNY Power Against Eric Adams and Sean Combs.” The former U.S. Attorney increased the appearances of impropriety by releasing an op-ed on January 16, 2025 entitled, “An indictment of the sad state of New York government.” In that piece, he disparaged Mayor Adams with the following comment: “America’s most vital city is being led with a broken ethical compass.” The former U.S. Attorney also made what I reasonably interpreted as a reference to himself in that piece when he suggested that there was a need for “elected officials” willing to “disrupt the status quo.”

You did not directly defend the former U.S. Attorney’s behavior in response to a recent defense motion. Nor could you. His actions inappropriately politicized and tainted your office’s prosecution, potentially permanently. Instead of addressing these concerns with the district court, you simply claimed that these actions were “beside the point.” ECF No. 102 at 1. Not true. The actions by the former U.S. Attorney implicate the concerns that President Trump raised in Executive Order 14147, in connection with the prosecution of an elected official “who voiced opposition to the prior administration’s policies.” *Id.* The fact that the district court denied the defense motion does not establish that continuing the prosecution of Mayor Adams reflects an appropriate exercise of prosecutorial discretion. Similarly, the fact that AUSAs convinced a grand jury to return an indictment based on a one-sided and inherently partial presentation of the evidence does not establish that the case was appropriate at the time, much less that it would be appropriate to continue to pursue the case based on events that occurred after the True Bill was returned.

The Justice Department will not ignore the fact that the timing of charges authorized by a former U.S. Attorney with apparent political aspirations interferes with Mayor Adams’ ability to run a campaign in the 2025 election. Your reference to the schedule underlying the prosecution of Senator Robert Menendez is not in any way persuasive in light of the evidence-handling issues that arose in connection with that trial. If anything, that experience counsels in favor of more caution in these matters, not less. But the record does not reflect such caution. In October 2024, an AUSA responsible for the prosecution of Mayor Adams represented that the “first batch” of discovery in the case included “about 560 gigabytes” of data. ECF No. 31 at 18. Thus, as a trial date was negotiated, Mayor Adams was faced with an impossible choice between seeking to defend himself at a pre-election trial in the hopes that he could campaign based on exoneration, and taking

a reasonable amount of time to review the discovery and prepare his defense at a post-election trial. His acquiescence in the former option does not justify your office's decision.

In your letter to the Attorney General, you made the dubious choice to invoke Justice Scalia. As you are likely aware from your professional experience, Justice Scalia fully understood the risks of weaponization and lawfare:

Nothing is so politically effective as the ability to charge that one's opponent and his associates are not merely wrongheaded, naive, ineffective, but, in all probability, "crooks." And nothing so effectively gives an appearance of validity to such charges as a Justice Department investigation and, even better, prosecution.

Morrison v. Olson, 487 U.S. 654, 713 (1988) (Scalia, J., dissenting). While the former U.S. Attorney is not a special counsel, Justice Scalia's *Morrison* dissent aptly summarized the Department's weaponization concerns here.

There is also great irony in your invocation of the famous speech by former Attorney General Robert Jackson. His remarks are unquestionably relevant here, but not in the way you have suggested. Jackson warned that "some measure of centralized control" over federal prosecutors was "necessary." Robert H. Jackson, *The Federal Prosecutor*, 24 J. Am. Jud. Soc'y 18, 18 (1940). The senior leadership of the Justice Department exercises that control. Moreover, one of Jackson's concerns was that "the most dangerous power of the prosecutor" arises from the risk that the prosecutor would "pick people that he thinks he should get, rather than pick cases that need to be prosecuted." *Id.* at 19.

It is in this realm—in which the prosecutor picks some person whom he dislikes or desires to embarrass . . . that the greatest danger of abuse of prosecuting power lies. It is here that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself.

Id. Regardless of how the investigation of Mayor Adams was initiated, by 2024 your office's work on the case was extremely problematic in that regard.

Finally, your suggestion that President Trump should issue a pardon to Mayor Adams reveals that your office's insubordination is little more than a preference to avoid a duty that you regard as unpleasant and politically inconvenient. Your oath to uphold the Constitution does not permit you to substitute your policy judgment for that of the President or senior leadership of the Justice Department, and you are in no position to suggest that the President exercise his exclusive Article II authority to make your job easier.

For all of these reasons, dismissal is necessary in the interests of justice. Your refusal to recognize that fact and comply with my directive has only exacerbated the concerns I raised initially.

B. Interference With Mayor Adams' Ability To Govern

Your objections to the second basis for my February 10, 2025 directive—that the “pending prosecution has unduly restricted Mayor Adams’ ability to devote full attention and resources to illegal immigration and violence crime”—are based on exaggerated claims that further illustrate your office’s inability to grapple with the problems that this case actually presents.

As a result of the pending prosecution, Mayor Adams is unable to communicate directly and candidly with City officials he is responsible for managing, as well as federal agencies trying to protect the public from national security threats and violent crime. Mayor Adams has been denied a security clearance that limits his access to details of national security issues in the City he was elected to govern and protect. He cannot speak to federal officials regarding imminent security threats to the City. And he cannot fully cooperate with the federal government in the manner he deems appropriate to keep the City and its residents safe. This situation is unacceptable and directly endangers the lives of millions of New Yorkers. My directive to you reflected a determination by the Justice Department that these public safety risks greatly outweigh any interest you have identified. It is not for local federal officials such as yourself, who lack access to all relevant information, to question these judgments within the Justice Department’s chain of command.

You claim to find my reference to Viktor Bout to be “alarming,” but you have missed the fundamental point. Presidents frequently make policy decisions that the Justice Department is charged with implementing. In connection with the case against Bout, President Biden made a questionable decision to release the “Merchant of Death” from prison. Once the decision was made, it was the responsibility of the Department and your office to execute it. Regardless of anyone’s personal views of the policy choice, an AUSA from your office filed a motion to assist in effectuating the decision. *See* ECF No. 130, *United States v. Bout*, No. 08 Cr. 365 (S.D.N.Y. Nov. 29, 2022). That was your job here, and the job of the AUSAs assigned to the case. You have all violated your oaths by failing to do it. In no valid sense do you uphold the Constitution by disobeying direct orders implementing the policy of a duly elected President, and anyone romanticizing that behavior does a disservice to the nature of this work and the public’s perception of our efforts.

You have also strained, unsuccessfully, to suggest that some kind of *quid pro quo* arises from my directive. This is false, as you acknowledged previously in writing. The Justice Department is charged with keeping people safe across the country. Your office’s job is to help keep the City safe. But your actions have endangered it.

C. Rule 48 Dismissal

More broadly, you are simply incorrect to contend that there is no “valid” basis to seek dismissal. The contention is a dereliction of your duty to advocate zealously on behalf of the United States.

The main citation you have offered, *United States v. N.V. Nederlandsche Combinatie Voor Chemische Industrie*, 428 F. Supp. 114 (S.D.N.Y. 1977), involved a motion based on “expense and inconvenience.” *Id.* at 117. Those issues are not the drivers of this decision, as you know. Moreover, as you and your team undoubtedly learned during the research that led you to rely on a 57-year-old district court case:

The government may elect to eschew or discontinue prosecutions for any number of reasons. Rarely will the judiciary overrule the Executive Branch’s exercise of these prosecutorial decisions.

United States v. Blaszczyk, 56 F.4th 230, 238 (2d Cir. 2022). In other words, the Attorney General has “a virtually absolute right” to dismiss this case. *United States v. Salim*, 2020 WL 2420517, at *1 (S.D.N.Y. 2020). Any judicial discretion conferred by Rule 48(a) is “severely cabined” and likely limited to instances of “bad faith.” *United States v. HSBC Bank USA, N.A.*, 863 F.3d 125, 141 (2d Cir. 2017) (cleaned up); *see also In re Richards*, 213 F.3d 773, 786 (2000) (“[T]he substantive reach of . . . [R]ule [48] appears to be effectively curtailed by the fact that even if the judge denies the motion to dismiss, there seems to be no way to compel the prosecutor to proceed.”). Accordingly, any concerns that you and your office had about the prospects of a Rule 48 motion were not a valid basis for insubordination.

D. Additional Issues To Be Addressed

Finally, and to be clear, while I elected to address two particular dispositive concerns in my February 10, 2025 memorandum, I have many other concerns about this case.

The case turns on factual and legal theories that are, at best, extremely aggressive. For example, the district court explained that “[i]t is not inconceivable that the Second Circuit or the Supreme Court might, at some point in the future, hold that an ‘official act’ as defined in *McDonnell* is necessary under § 666, at least as to government actors.” ECF No. 68 at 18-19. The district court also acknowledged that there is “some force” to Mayor Adams’ challenges to the office’s *quo* theories in the case. The “thing[s] of value” in this case are campaign contributions, which require heightened proof under *McCormick*, as the office knows from the challenges you encountered in connection with the decision to dismiss the *Benjamin* case.

There is also questionable behavior reflected in certain of the prosecution team’s decisions, which will be addressed in the forthcoming investigations. Witnesses in the case do not appear to have been treated in a manner that is consistent with your claims about the seriousness of your

allegations against Mayor Adams. It is my understanding that, around the time the charges were filed, the prosecution team made representations to defense counsel regarding Mayor Adams' status in the investigation that are inconsistent with the Justice Manual's definitions of "target" and "subject." Justice Manual § 9-11.151. In the same period, despite having already started to draft a prosecution memo proposing to charge Mayor Adams, the prosecution team invited Mayor Adams to a proffer—in effect, baiting him to make unprotected statements after the line prosecutors had already decided to try to move forward with the case.

* * *

I take no pleasure in imposing these measures, initiating investigations, and requiring personnel from the Justice Department to come to your District to do work that your team should have done and was required to do. In this instance, however, that is what is necessary to continue the process of reconciliation and restoration of the Department of Justice's core values, as the Attorney General explained on February 5, 2025.

Respectfully,

/s/ Emil Bove

Emil Bove
Acting Deputy Attorney General

Cc: Matthew Podolsky
(Via Email)

Hagan Scotten
Derek Wikstrom
(By Hand Delivery)

EXHIBIT E

BY EMAIL

Re: United States v. Eric Adams, 24 Cr. 556 (DEH)

Mr. Bove,

I have received correspondence indicating that I refused your order to move to dismiss the indictment against Eric Adams without prejudice, subject to certain conditions, including the express possibility of reinstatement of the indictment. That is not exactly correct. The U.S. Attorney, Danielle R. Sassoon, never asked me to file such a motion, and I therefore never had an opportunity to refuse. But I am entirely in agreement with her decision not to do so, for the reasons stated in her February 12, 2025 letter to the Attorney General.

In short, the first justification for the motion—that Damian Williams’s role in the case somehow tainted a valid indictment supported by ample evidence, and pursued under four different U.S. attorneys—is so weak as to be transparently pretextual. The second justification is worse. No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives.

There is a tradition in public service of resigning in a last-ditch effort to head off a serious mistake. Some will view the mistake you are committing here in the light of their generally negative views of the new Administration. I do not share those views. I can even understand how a Chief Executive whose background is in business and politics might see the contemplated dismissal-with-leverage as a good, if distasteful, deal. But any assistant U.S. attorney would know that our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way. If no lawyer within earshot of the President is willing to give him that advice, then I expect you will eventually find someone who is enough of a fool, or enough of a coward, to file your motion. But it was never going to be me.

Please consider this my resignation. It has been an honor to serve as a prosecutor in the Southern District of New York.

Yours truly,

Hagan Scotten
Assistant United States Attorney
Southern District of New York

EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
UNITED STATES OF AMERICA	:	<u>NOLLE PROSEQUI</u>
	:	
- v. -	:	24 Cr. 556 (DEH)
	:	
ERIC ADAMS,	:	
	:	
Defendant.	:	
	:	
-----	X	

1. The United States respectfully submits this motion seeking dismissal without prejudice of the charges in this case, with leave of the Court, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.¹ See *United States v. Blaszcak*, 56 F.4th 230, 238 (2d Cir. 2022) (reasoning that “[t]he government may elect to eschew or discontinue prosecutions for any of a number of reasons,” including based on announcements relating to “general policy.”); *United States v. Fokker Servs. B.V.*, 818 F.3d 733, 742 (D.C. Cir. 2016) (“[D]ecisions to dismiss pending criminal charges—no less than decisions to initiate charges and to identify which charges to bring—lie squarely within the ken of prosecutorial discretion.”); *United States v. Amos*, 2025 WL 275639, at *2 (D.D.C. 2025) (“[T]he government’s view of the public interest does not clearly fall within the types of reasons found to provide legitimate grounds to deny the government Rule 48(a) motion to dismiss charges.”).

2. Through counsel, Defendant Eric Adams has consented in writing to this motion and agreed that he is not a “prevailing party” for purposes of the Hyde Amendment. See P.L. 105-119, § 617, 111 Stat. 2440, 2519; 18 U.S.C. § 3006A note.

¹ The undersigned attorneys from the Department of Justice have replaced AUSAs from the U.S. Attorney’s Office for the Southern District of New York as counsel of record in this case. The Department of Justice will handle this matter and any related decision-making in the future.

3. On September 24, 2024, Adams was charged in a five-count Indictment, 24 Cr. 556 (DEH).

4. The Acting Deputy Attorney General has determined, pursuant to an authorization by the Attorney General, that dismissal is necessary and appropriate, and has directed the same, based on the unique facts and circumstances of this case.

5. In connection with that determination and directive, the Acting Deputy Attorney General concluded that dismissal is necessary because of appearances of impropriety and risks of interference with the 2025 elections in New York City, which implicate Executive Order 14147, 90 Fed. Reg. 8235. The Acting Deputy Attorney General reached that conclusion based on, among other things, review of a website² maintained by a former U.S. Attorney for the Southern District of New York and an op-ed published by that former U.S. Attorney.³

6. In connection with that determination and directive, the Acting Deputy Attorney General also concluded that continuing these proceedings would interfere with the defendant's ability to govern in New York City, which poses unacceptable threats to public safety, national security, and related federal immigration initiatives and policies. *See, e.g.*, Executive Order 14159, 90 Fed. Reg. 8443; Executive Order 14165, 90 Fed. Reg. 8467. The Acting Deputy Attorney General reached that conclusion after learning, among other things, that as a result of these proceedings, Adams has been denied access to sensitive information that the Acting Deputy Attorney General believes is necessary for Adams to govern and to help protect the City.

² <https://www.damianwilliamsofficial.com>.

³ <https://www.cityandstateny.com/opinion/2025/01/opinion-indictment-sad-state-new-york-government/402235/?oref=csny-author-river>.

7. Accordingly, the United States respectfully requests, on consent, that the Court enter an order of *nolle prosequi* pursuant to Rule 48(a), without prejudice, with respect to all of the charges in Indictment 24 Cr. 556 (DEH).

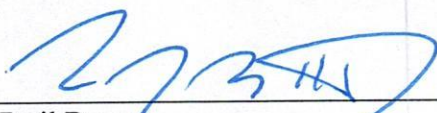
Dated: February 14, 2025

_____/s/
Antoinette T. Bacon
Supervisory Official
Criminal Division
United States Department of Justice

Edward Sullivan
Senior Litigation Counsel
Public Integrity Section
Criminal Division
United States Department of Justice
(202) 514-2000

Based on the foregoing, I hereby direct, with leave of the Court, that an order of *nolle prosequi* pursuant to Rule 48(a), without prejudice, be filed as to Defendant Eric Adams with respect to Indictment 24 Cr. 556 (DEH).

Dated: February 14, 2025



Emil Bove
Acting Deputy Attorney General
United States Department of Justice

SO ORDERED:

THE HONORABLE DALE E. HO
United States District Judge
Southern District of New York

Dated:
New York, New York

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will serve all counsel of record.

_____/s_____
Edward Sullivan
Senior Litigation Counsel

Dated: February 14, 2025

EXHIBIT G

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ERIC ADAMS,

Defendant.

24 Cr. 556 (DEH)

ORDER

DALE E. HO, United States District Judge:

On February 19, 2025, the Court held a conference on the Government’s Motion to Dismiss the Indictment in this matter under Rule 48(a), *see* ECF No. 122. In light of the Government’s motion and the representations of the parties during the conference, it is clear that trial in this matter will not go forward on April 21. Accordingly, trial is **ADJOURNED SINE DINE**. The Order setting a pretrial schedule, ECF No. 87, is hereby vacated, and all deadlines set forth therein are also **ADJOURNED SINE DIE**.

Normally, courts are aided in their decision-making through our system of adversarial testing, which can be particularly helpful in cases presenting unusual fact patterns or in cases of great public importance. Our legal “system assumes that adversarial testing will ultimately advance the public interest in truth and fairness.” *Polk Cnty. v. Dodson*, 454 U.S. 312, 318 (1981). In particular, “the unique strength of our system of criminal justice” is that it is premised on the belief that “[t]ruth . . . is best discovered by powerful statements on both sides of the equation.” *United States v. Cronin*, 466 U.S. 648, 655 (1984) (quotation marks omitted); *see also Young v. United States*, 315 U.S. 257, 259 (1942) (“The public interest that a result be reached which promotes a well-ordered society is foremost in every criminal proceeding. . . . [O]ur judgments are precedents, and the proper administration of the criminal law cannot be left

merely to the stipulation of parties.”). For example, in the context of a Rule 48(a) motion, the government’s request for dismissal without prejudice is often contested by the defendant and then adjudicated by the court with the benefit of adversarial briefing. *See, e.g., United States v. Madzarac*, 678 F. Supp. 3d 42 (D.D.C. 2023); *United States v. Pitts*, 331 F.R.D. 199 (D.D.C. 2019); *United States v. Borges*, 153 F. Supp. 3d 216 (D.D.C. 2015); *United States v. Karake*, No. 02 Crim. 256, 2007 WL 8045732 (D.D.C. Feb. 7, 2007); *United States v. Doody*, No. 01 Crim. 1059, 2002 WL 562644 (S.D.N.Y. Apr. 16, 2002); *United States v. Poindexter*, 719 F. Supp. 6 (D.D.C. 1989).

Here, the recent conference helped clarify the parties’ respective positions, but there has been no adversarial testing of the Government’s position generally or the form of its requested relief specifically. Where, as here, nominal adversaries are aligned in their positions, “precedent and experience have recognized the authority of courts to appoint an *amicus* to assist their decision-making . . . including in criminal cases and even when the movant is the government.” *In re Flynn*, 973 F.3d 74, 81 (D.C. Cir. 2020) (denying mandamus where district court appointed *amicus* counsel on unopposed Rule 48(a) motion). Indeed, “[t]he Supreme Court appoints an *amicus* to argue a case about once a year, . . . often in situations where the government does not oppose the position advanced by its adversary.” *United States v. Blaszcak*, 56 F.4th 230, 259 (2d Cir. 2022) (Sullivan, J., dissenting); *see e.g., Dorsey v. United States*, 567 U.S. 260, 272 (2012) (noting appointment of *amicus* in criminal matter “[s]ince petitioners and the Government [took the same] position”). The Second Circuit often does so as well. *See, e.g., Blaszcak*, 56 F.4th at 243 (majority opinion) (noting arguments of court-appointed *amicus*).

Similarly, “[d]istrict courts have broad discretion to permit or deny an appearance as *amicus curiae* in a case.” *Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J.*, No. 11 Civ. 6746,

2011 WL 5865296, at *1 (S.D.N.Y. Nov. 22, 2011); *see also United States v. Yonkers Contracting Co.*, 697 F. Supp. 779, 781 (S.D.N.Y. 1988) (citation omitted) (noting that “district courts have broad discretion to appoint *amici curiae*”); Feb. 19, 2025 Conf. Tr. at 49:14-17 (Government stating its view that *amicus* participation will not “meaningfully aid” the Court in this case, but acknowledging “that the Court has a lot of discretion about consideration of *amicus* arguments, inviting *amicus* participation”). And there is precedent for the appointment of *amicus* to assist a district court in the consideration of an unopposed motion under Rule 48(a) specifically. *See United States v. Flynn*, No. 17-232, 2020 WL 2466326, at *1 (D.D.C. May 13, 2020), *mandamus denied*, 973 F.3d 74 (D.C. Cir. 2020) (en banc).

Accordingly, to assist with its decision-making via an adversarial process, the Court exercises its inherent authority to appoint Paul Clement of Clement & Murphy PLLC as *amicus curiae* to present arguments on the Government’s Motion to Dismiss. *See Seila L. LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 209 (2020) (“Because the Government agrees with petitioner on the merits of the constitutional question, we appointed Paul Clement to defend the judgment below as *amicus curiae*. He has ably discharged his responsibilities.”). The Court expresses its gratitude to Mr. Clement for his service and will provide Mr. Clement a copy of this Order and the transcript from the February 19 conference.

It is hereby **ORDERED** that the parties and *amicus curiae* shall address:

- 1) The legal standard for leave to dismiss an indictment under Rule 48(a);
- 2) Whether, and to what extent, a court may consider materials other than the Rule 48(a) motion itself;
- 3) Under what circumstances, if any, additional procedural steps and/or further inquiry would be appropriate before resolving a Rule 48(a) motion;
- 4) Under what circumstances, if leave is granted, dismissal should be with or without prejudice;

- 5) If leave were denied under Rule 48(a), what practical consequences would follow, including whether dismissal would nevertheless be appropriate or necessary under other rules or legal principles (e.g., for “unnecessary delay” under Rule 48(b) or under speedy trial principles, *see United States v. N.V. Nederlandsche Combinatie Voor Chemische Industrie*, 453 F. Supp. 462, 463 (S.D.N.Y. 1978)); and
- 6) Any other issues the parties or *amicus* consider relevant to the Court’s resolution of the Government’s motion.

Briefs shall be due no later than March 7, 2025. If necessary, the Court will hold oral argument at 2:00 p.m. on March 14, 2025.

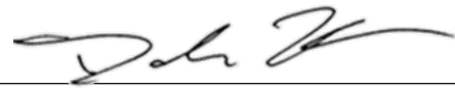
The Court notes that it has considered the parties’ views with respect to the appointment of *amicus* and concludes that an appointment is appropriate here to assist the court’s decision-making. That is particularly so in light of the public importance of this case, which calls for careful deliberation. The Court reiterates that it understands the importance of prompt resolution of the pending motion and will endeavor to rule expeditiously after briefing (and, if necessary, oral argument) is complete. The adjournment of trial and all related deadlines alleviates any prejudice resulting from a short delay. Moreover, in light of the concerns raised by the parties regarding the Mayor’s responsibilities and the burden of continued court appearances, the Court notes that while Mayor Adams has a right to appear at any future proceedings, he need not do so given the current procedural posture. *See* Rule 43(b)(3) (“A defendant need not be present” where “[t]he proceeding involves only a conference or hearing on a question of law”). In other words, absent an order of this Court stating otherwise, Mayor Adams need not appear and need not file a notice voluntarily waiving his appearance at future proceedings, if any, on the Government’s Motion to Dismiss.

Finally, in light of Mr. Clement’s appointment as *amicus*, the Court does not believe there is a need for additional *amicus* participation at this stage. Nevertheless, to ensure that the parties and appointed *amicus* have an opportunity to respond to arguments made by other *amici*, if any,

any motion for leave to participate as amicus must be filed, with the proposed amicus brief, by February 28, 2025. The Court will not consider any motions for *amicus* participation after that date. Any opposition to such a motion by a party shall be filed by March 5, 2025.

SO ORDERED.

Dated: February 21, 2025
New York, New York



DALE E. HO
United States District Judge